

Stirling Council

Agenda Item No. 8

Planning & Regulation Panel

Date of
Meeting: 25 February 2020

Not Exempt

Taxi and Private Hire Licensing Review

Purpose & Summary

This report follows a report to Planning & Regulation Panel in December 2019, which detailed the results of the consultation on the local taxi and private hire licensing framework.

Recommendations

In light of the Panel's decision of 3 December 2019, to carry out further consultation the Panel is asked to agree either:

1. that the consultation should take the form of an unmet demand survey for taxi services within the Stirling Council area, with a view to maintaining a limit on taxi vehicle licence numbers in the area; or,
2. that the consultation should focus on a proposal to lift the numerical limit on taxi vehicle licences in the Council area and to consult on proposals to promote a local licensed vehicle fleet that is more accessible, meets specified environmental standards; and
3. to delegate to the Chief Officer – Governance responsibility for carrying out any such further consultation/survey agreed by Panel and to report to Panel following that consultation/survey engaging as appropriate with the Chair and Vice Chair of the Panel as to the scope and timescales for same.

Resource Implications

There will be a resource implication for officers in researching, developing and consulting on local licensing policy, in accordance with any decision of Panel.

Legal & Risk Implications and Mitigation

The Council must act in accordance with the Civic Government (Scotland) Act 1982 in determining taxi and private hire vehicle licence applications and in setting relevant policy. The statutory framework is drafted to enable local authorities (as licensing authorities) to assess the local needs of their area, and to tailor their local licensing regime within the parameters of the legislation as they determine appropriate. Any such review of the

licensing framework requires to be on an informed basis and as such, consultation is key to any policy review and development.

As it stands, the licensing authority has a numerical limit on taxi vehicle licence numbers granted locally and as such is under a duty to ensure, so long as it maintains that limit, that there is no significant unmet demand for taxi services in the local area. Panel previously resolved to review its position on whether to continue to limit taxi vehicle licence numbers every three years. The last formal taxi demand survey in the Council area was completed in April 2016. There is no express legal requirement to carry out that survey, or to review the position on licence numbers every three years, but such a frequency is viewed as good practice as the evidence relied upon in imposing a limit may become outdated. However, there is a risk that the Council could be challenged if it were to make decisions based on an unmet demand survey that was more than three years old. In order to resist any such challenge the Council would have to demonstrate to the court that a longer period between surveys was reasonable in the circumstances e.g. by pointing to evidence about demand that was available without the need for a survey. If the Panel is minded to consult on lifting that limit, then the limit shall remain in place pending a decision. By way of mitigation in the interim period, and in the absence of a further substantive survey on demand, officers will keep under review any suggestion that there may be unmet demand for taxi services within the area, particularly in the context of any relevant licence applications.

Non-legal risks may result if no change is made to the current taxi and private hire licensing framework. For example, environmental risks arising from a local licensed vehicle fleet that is not currently subject to age or emission restrictions.

1. Background

- 1.1. In regulating licensing within its area under the Civic Government (Scotland) Act 1982 (the 1982 Act) the Council has an underlying public policy role, which should be exercised taking account of local need within its area. Against that backdrop, Planning & Regulation Panel agreed on 26 March 2019 that consultation should be carried out to assist the licensing authority in determining whether any changes are required to the taxi and private hire licensing framework in the Stirling Council area, to ensure it best meets local needs in 2019, and beyond.
- 1.2. The full results of the consultation were reported to the Planning and Regulation Panel on 3 December 2019. The Panel agreed at that meeting to consult on a proposal to consider the numerical limit on taxi vehicle licences in the Council area and to consult on proposals to promote a local licensed vehicle fleet that is more accessible, meets specified environmental standards and allows sustainability for taxi drivers to encourage increased provision in rural areas.
- 1.3. Following the Panel's decision, officers met with colleagues in Infrastructure and Portfolio and Business to formulate a plan to take this forward. However, after considering the extent of and topics covered in the previous consultation, officers concluded that further meaningful consultation could not be carried out without further specification from the Panel as to the direction of the consultation. After discussions with Chair and Vice Chair of the Panel, it was agreed that a paper be brought back to seek clarification on whether or not the consultation is to be carried out with a view to retaining the taxi vehicle limit and therefore to carry out an unmet demand survey, or, to consult on lifting the limit entirely.

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- 1.4. The purpose of a limit on taxi vehicle numbers (imposed locally by a licensing authority) is intended to prevent a situation whereby it is not possible for taxi licence operators to provide a proper or reliable service to members of the public. Taxi services should be able to be relied upon as a safe method of transport, including for more vulnerable groups. All local authorities were contacted by officers in 2017 with a view to confirming how many maintain a limit on taxi vehicle numbers within their area. Of the 31 other authorities contacted, 18 responded and of those 18, 13 had a limit on the number of taxi vehicle licences granted within their area. For obvious reasons, it can present a challenge to take a policy decision to remove or increase a limit on numbers if that has been the approach for some time in an area. Some authority areas (including Falkirk Council) have not chosen to implement a numerical limit. A couple of authorities are known to have removed the limit after having introduced one. For example, West Lothian Council took a policy decision in 2009 to remove their taxi vehicle limit but in doing so required that any new taxi vehicle be Wheel Chair Accessible (WAV) - their taxi fleet is now 100% WAV.
 - 1.5. Only recently has legislation permitted licensing authorities to limit their *private hire* vehicle numbers. Certain licensing authorities are known to be actively assessing provision and consulting with a view to introducing such a limit. Unlike the ability to limit taxi vehicle numbers, which can be exercised provided an authority is satisfied that there is no unmet demand within its area, the power to limit private hire numbers is only exercisable if the licensing authority is satisfied that there is an *overprovision* of private hire vehicles within its area. (That is a test currently more familiar to Licensing Boards than it is to licensing authorities in a civic licensing context). This report does not consider those provisions in detail, as there is no information to suggest that overprovision of private hire vehicles is currently an issue in the Stirling Council area. If instructed to do so, officers could consider that in more detail.

2. Considerations

- 2.1. A successful local taxi and private hire framework is one which ensures that there is a safe, reliable and accessible service available to the public when and where it is required.
- 2.2. The response on availability from taxi licence holders suggests that there are periods in the week during which taxi supply exceeds demand, and that there is concern about the impact on their business if the limit on taxi vehicle numbers locally were to be removed (which they expect will result in more vehicles on the road).
- 2.3. The responses from service users indicated that taxi and private hire vehicles are not consistently available to the public in the area at all times throughout the week. The responses also indicated a significant reliance locally on pre-booked vehicles (typically licensed as private hire vehicles).
- 2.4. A decision is required as to whether Stirling Council should maintain a limit on taxi vehicle licences in the area. If it does intend to maintain that limit, a survey to assess unmet demand requires to be instructed. The issues raised by licence holders in favour of maintaining the limit are primarily relevant to local business, as opposed to the needs of local service users. It is the impact on local service users that the licensing authority should be primarily concerned with. If members were minded to *increase* the numerical limit, a survey on demand will still require to be carried out.

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- 2.5. If members were minded to lift the numerical limit then a period of consultation should take place, before a final decision is made, to ensure that the local transport network could cope with the potential increase in demand for taxi rank space.
 - 2.6. The Panel may also want to consult on the vehicle specification for new vehicles, including wheelchair accessible vehicles given that the responses from users indicate that those wishing to hire an accessible vehicle have difficulty obtaining one, even when booking by phone (where it might be expected to be easier to secure an appropriately accessible vehicle).
 - 2.7. Stirling Council agreed a motion at its last Council meeting in relation to the climate emergency. The Council has committed to climate change action, to reducing carbon emissions and to driving forward innovative low carbon projects. The fact that we have only one hybrid and one electric vehicle licensed in the Stirling Council area does not align with this commitment. Funding has recently been secured for rapid charging to be located at Forthside, with similar provision in rural areas expected to follow shortly (in Balfron and Callander as well as other intermediate locations). Whilst that necessary infrastructure is in development, the licensing framework currently permits the licensing of hybrid and electric vehicles but falls short of requiring or incentivising licence holders to licence such a vehicle. The development of service provision should, ideally, keep pace with the infrastructure intended to support it. The licensing authority is not directly responsible for the provision of taxi and private hire services, but it plays a key role in setting standards, including as to the types of vehicles that are suitable to be licensed.

3. Implications

Equalities Impact

- 3.1. The contents of this report were assessed under the Council's Equality Impact Assessment process. It was determined that an Equality Impact Assessment was not required as this report does not recommend the adoption of a final policy position. An Equality Impact Assessment will be carried out prior to any firm policy proposals being brought to Panel for a decision.

Fairer Scotland Duty

- 3.2. Similar to the position above, analysis of the impact of the various options will be considered in the context of the Fairer Scotland Duty when a final policy position is (or positions are) to be presented to Panel at a later date.

Sustainability and Environmental

- 3.3. This report does not recommend the adoption of a final policy position but proposes a further period of consultation follow (this time on a potential policy proposal(s)). Certain of the proposals outlined in this report would have sustainability and environmental implications if progressed, which will be explored more fully through the next phase of policy development.

Other Policy Implications

- 3.4. Taxi and private hire licensing policy has developed in the years since the 1982 Act came into force, in the form of decisions taken by Council, through the appropriate Panel/ Committee. There is no direct policy impact arising from the proposed consultation, but many of the issues that may be consulted upon are linked to existing Council policy.

Consultations

- 3.5. Significant consultation has been carried out in the period since March 2019. This report seeks approval from Panel to further consult, this time on potential policy proposal(s).

4. Background Papers

- 4.1. Report to Planning & Regulation Panel on 26 March 2019 - Taxi and Private Hire Licensing in the Stirling Area: Proposed Consultation; and minutes of the meeting.
- 4.2. Report to Planning and Regulation Panel on 3 December 2019 – Taxi and Private Hire Licensing Review and minutes of the meeting.

5. Appendices

- 5.1. None.

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Date: 14 February 2020

Details of Convener(s), Vice Convener(s), Portfolio Holder and Depute Portfolio Holder consulted on this report:

N/A

Wards affected:

All

Key Priorities:

N/A

Key Priority Considerations:

N/A

Stirling Plan Priority Outcomes:
(Local Outcomes Improvement Plan)

N/A
