

BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Meeting, 27th April, 2009
at 2.00 p.m. Committee Room No. 4

A G E N D A

PART ONE

1. To note any items which the Chairman considers to be of an urgent nature.
2. To receive notice from Members who may wish to move any delegated matter non-delegated and which will be decided by a majority of Members present and voting at the meeting.

3. Admission of Public and Press

To consider whether the public and press should be excluded from the meeting during consideration of any of the items on the agenda.

4. Disclosure of Interests.

A Member with a personal interest in a matter to be considered at this meeting must either before the matter is discussed or when the interest becomes apparent disclose

1. ***The existence of that interest to the meeting.***
2. ***The nature of the interest.***
3. ***Decide whether they have a prejudicial interest.***

A note on declaring interests at meetings, which incorporates certain other aspects of the Code of Conduct and a pro-forma for completion where interests are disclosed accompanies the agenda and reports for this meeting.

5. Apologies for Absence/Attendance of Substitute Members.
6. To confirm the Minutes of the meeting held on 12th March, 2009 (copy attached).

Chief Environmental Health Officers' Reports

FOR DECISION

- (D) 1. Applications for Private Hire Vehicle & Hackney Carriage Drivers Licences from applicants from elsewhere in the European Union and other overseas Countries
- (D) 2. Furness Owl Centre, Sandscale Park, Barrow-in-Furness.
- (D) 3. Unmet Demand Survey – Hackney Carriage Licences

RECOMMENDED PART TWO

- (D) 4. Application for Hackney Carriage/Private Hire Vehicle Drivers Licence.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 AND 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 5. Application for Hackney Carriage/Private Hire Vehicle Drivers Licence.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 AND 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 6. Application for Hackney Carriage/Private Hire Vehicle Drivers Licence.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 AND 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 7. Application for Hackney Carriage/Private Hire Vehicle Drivers Licence.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 AND 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 8. Application for Hackney Carriage/ Private Hire Vehicle Drivers Licence

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 AND 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 9. Application for Hackney Carriage/Private Hire Vehicle Drivers Licence

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 AND 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

Membership of Committee

D Roberts (Chairman)
Unwin (Vice Chairman)
Bell
Callister
English
R Hamezeian
Irwin
James
Millar
Murray
Stephenson
Waiting

BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Meeting: 12th March, 2009
at 2.00 p.m.

PRESENT:- Councillors D. Roberts (Chairman), Unwin (Vice-Chairman), Bell, English, R. Hamezeian, Millar and Stephenson.

75 – The Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985 and Access to Information (Variation) Order 2006

Discussion arising hereon it was

RESOLVED:- That under Section 100A(4) of the Local Government Act, 1972 the public and press be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 2 and 7 (Minute Nos. 81-87) of Part One of Schedule 12A of the said Act.

76 – Apologies for Absence

Apologies for absence were received from Councillors Irwin, James and Waiting.

77 – Minutes

The Minutes of the meeting held on 29th January, 2009 were taken as read and confirmed.

78 – Appointment of Licensing Officer

The Chief Environmental Health Officer submitted a report informing Members of the appointment of Peter Davies as Licensing Officer effective from 26th January, 2009. It was noted that the previous post holder had left in December 2008 and the Council sought to recruit an Officer in order to continue the effective partnership working with the licensing trade and other enforcement agencies.

Peter Davies attended the meeting to observe proceedings and meet the Committee Members. He had previous enforcement experience having previously been employed as a Police Constable and had also worked in the private sector service industry in facilities management. The Chief Environmental Health Officer reported that in the short length of time that Peter had been in post at the Council he had made very effective links with colleagues from other partner agencies including the Fire and Police Authority.

RESOLVED:- To note the information.

79 – Licensed Premises – Risk Assessments and Hazard Drunkenness

The Chief Environmental Health Officer submitted a report highlighting existing partnership arrangements for dealing with risks arising from poor management of licensed premises and sought endorsement of existing arrangements from the Committee.

He explained that Councillor Bell had asked that a report be presented to Committee Members in order to consider the benefit of promoting the use of a Health and Safety Executive (HSE) publication 'Managing work-related violence in licensed and retail premises' as a basis for controlling drunkenness and violence in licensed premises. The document had been prepared by the HSE contained information and practical advice on how to assess and tackle the risk of violence to staff. A copy of the HSE document had been appended to the report for Members' consideration.

Councillor Bell considered that it would be appropriate to produce a strategy in order to reduce violence and drunkenness using the new HSE guidance as a legal framework.

In seeking to advise Members on this matter, the Chief Environmental Health Officer emphasised two particular issues to the Committee, including:-

- 1 The Borough Council was responsible for enforcing the Health and Safety at Work etc. Act 1974 in its role as a regulator in a similar way that it enforced other primary legislation e.g. Building Regulations or Planning legislation.

The Council acted as agents for the Health and Safety Executive in this enforcing role and individual Officers who had been able to satisfy safety competency tests were authorised to take enforcement action on behalf of the Borough Council. It was not expected that the Licensing Authority duplicated this enforcement role and to seek to do so risked the Borough Council being challenged by adversely affected licence holders.

- 2 As a Licensing Authority, the Council had a duty to work in partnership with other responsible Authorities e.g. the Police and the Fire Authority, to maintain the four licensing objectives:-

- (i) The Prevention of Crime and Disorder;
- (ii) Public Safety;
- (iii) The Prevention of Public Nuisance; and
- (iv) The Protection of Children from Harm.

The partnership liaison of the Council with the responsible Authorities had been very well developed through the Furness Partnership and the Crime and Disorder Reduction Partnership. With specific reference to licensed premises, joint inspections were

undertaken by Police and Council Officers to address the needs of individual premises to continue to meet the licensing objectives and Multi Agency Licensing Team (MALT) meetings were held to progress individual premises requirements and policy formulation generally. This process would result in an application being sought by a responsible Authority (usually the Police) to the Licensing Authority to review an individual premises licence conditions if matters could not be resolved informally.

The Chief Environmental Health Officer informed the Committee that he was of the view that, by highlighting the principals outlined in the HSE publication to multi-agency colleagues through the MALT work programme, the good practice outlined in the HSE document could be communicated to individual licence holders and if necessary, included as condition of the licence should a licence review be necessary. In view of this he asked Members to reaffirm the existing partnership arrangements in seeking compliance with the four statutory licensing objectives outlined above.

PC John Irving had suggested that it may be appropriate for Councillor Bell to be invited to attend the Violent Crime Task Group to discuss the HSE publication further.

(i) To note the information;

(ii) To agree that the Committee endorsed the existing multi-agency approach taken by the Council and partners in dealing with the crime, disorder and public safety consequences of poorly managed premises;

(iii) To agree that the Chief Environmental Health Officer would highlight the principles outlined in the HSE publication 'Managing work-related violence in licensed and retail premises' to multi-agency colleagues via the Crime and Disorder Reduction Partnership (CDRP); and

(iv) To agree that Councillor Bell would be invited to attend the Violent Crime Task Group.

80 – Application for Private Hire Vehicle and Hackney Carriage Drivers Licences from Foreign Applicants and Applicants who have lived abroad

The Chief Environmental Health Officer submitted a report, the main purpose of which to consider how applications for Hackney Carriage/Private Hire Vehicle Driver's Licences from foreign applicants and applicants who had lived abroad were dealt with as a result of concerns about verification of application details. He reported that concerns had been raised from Officers within his Department as to how applicants details could be verified when they had been a resident outside of the UK for a period of time or were of a non-UK origin.

At present applicants for Hackney Carriage/Private Hire Vehicle Drivers licenses were required to:-

- i) Possess a current DVLA licence which was 12 months old or more;
- ii) Pass a DVLA Group 2 medical examination certified by a General Practitioner;
- iii) Have an enhanced Criminal Records Bureau (CRB) check; and
- iv) Pay the appropriate fee.

Driving licences from Countries within the European Union were acceptable by virtue of the Driving Licences (Community Driving Licences) Regulations 1996 which amended Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 allowing full driving licences issued by European Economic Area states (EEA) to count towards the 12 months qualification period. Such a person was, however, only allowed to drive with such a licence for a period not exceeding three years after becoming resident in the UK. They must then make an application to DVLA for a UK drivers licence.

The Criminal Records Bureau check related to offences that had occurred in the UK only. The Council could not verify whether or not information as to any offences committed abroad (or lack of them) was correct and some Councils now requested that the applicant supplied a "certificate of conduct" from the Embassy of the applicant's country of origin or where they had resided for a number of years. To ensure that the Council had made adequate enquiries into an applicant's criminal conviction history it would be helpful to ascertain whether they had lived abroad and, if so, for how long.

If a foreign address was disclosed in the application then depending on the context e.g. the age of the applicant when living abroad, a certificate of conduct could be sought and/or proof of residency in this country could be required. This could take the form of:-

- (i) Application registration card issued by the Home Office to an asylum seeker stating that the holder was permitted to take up employment;
- (ii) A national passport or national identity card showing that they were a national of an EEA country or Switzerland;
- (iii) A resident permit issued to a national from an EEA country or Switzerland; or
- (iv) A passport or other document issued by the Home Office which had an endorsement stating that the holder had a current right of residence in the UK as the family member of a national from an EEA country or Switzerland who was resident in the UK.

Applicants from many foreign countries could enter and work in the UK without any restrictions, just like British Citizens. Foreign Nationals from the following countries needed to register with the Home Office: Czech Republic, Estonia, Hungary, Lithuania, Latvia, Poland, Slovakia, Slovenia, Romania and Bulgaria.

Employers had access to a Home Office compliance tool on its website in order to check whether a potential employee was legally allowed to work in UK.

The Chief Environmental Health Officer informed Members that in determining whether an applicant was a fit and proper person to hold a Hackney Carriage/Private Hire Vehicle Drivers licence, one of the considerations of the Committee would be the safety and welfare of the public who travelled in vehicles licensed by the Council. Checks varied depending upon the country of origin, residence and relevant statutory provisions. The proposals outlined in his report sought to apply, as far as was reasonably practicable, the same standards to all applicants whilst adversely impacting on no specific group.

The Committee considered that the report had been presented prematurely and considered that more research would be appropriate as the Council could potentially be accused of inequalities.

RESOLVED:- To agree to defer this matter pending further research from Officers.

81 – Application for Private Hire Vehicle Drivers Licence

Referring to Minute No. 74 of the meeting held on 29th January, 2009, the Chief Environmental Health Officer re-submitted a report concerning an application he had received for a Private Hire Vehicle Drivers Licence from Mr W. McC.

Mr W. McC. had been invited to attend today's meeting but had failed to do so for the second consecutive time.

RESOLVED:- To refuse Mr McC's application.

82 – Application for Hackney Carriage/Private Hire Vehicle Drivers Licence

The Chief Environmental Health Officer reported on an application he had received for a Hackney Carriage/Private Hire Vehicle Drivers licence from Mr D. W. W. He submitted information which had been drawn to his attention concerning the applicant and set out details of the Committee's policy regarding such matters.

Mr D. W. W. attended the meeting and addressed the Committee. A Police Representative was also present.

RESOLVED:- To agree to grant Mr D. W. W. with a Hackney Carriage/Private Hire Vehicle Drivers licence on the understanding that he received a severe written warning as to his future conduct.

83 – Application for Hackney Carriage/Private Hire Vehicle Drivers Licence

The Chief Environmental Health Officer reported on an application he had received for a Hackney Carriage/Private Hire Vehicle Drivers licence from Mr G. A. R. He submitted information which had been drawn to his attention concerning the applicant and set out details of the Committee's policy regarding such matters.

Mr G. A. R. attended the meeting and addressed the Committee. A Police Representative was also present.

RESOLVED:- To agree to grant Mr G. A. R. with a Hackney Carriage/Private Hire Vehicle Drivers licence.

84 – Application for Hackney Carriage/Private Hire Vehicle Drivers Licence

The Chief Environmental Health Officer reported on an application he had received for a Hackney Carriage/Private Hire Vehicle Drivers licence from Mr A. E. He submitted information which had been drawn to his attention concerning the applicant and set out details of the Committee's policy regarding such matters.

Mr A. E. attended the meeting and addressed the Committee. A Police Representative was also present.

RESOLVED:- To agree to grant Mr A. E. with a Hackney Carriage/Private Hire Vehicle Drivers licence on the understanding that he received a severe written warning as to his future conduct.

85 – Application for Hackney Carriage/Private Hire Vehicle Drivers Licence

The Chief Environmental Health Officer reported on an application he had received for a Hackney Carriage/Private Hire Vehicle Drivers licence from Mr S. G. He submitted information which had been drawn to his attention concerning the applicant and set out details of the Committee's policy regarding such matters.

Mr S. G. had been invited to attend today's meeting but had failed to do so.

RESOLVED:- To agree to refuse the application and advise the applicant to re-apply once the three year statutory minimum period free of convictions had lapsed.

86 – Application for Hackney Carriage/Private Hire Vehicle Drivers Licence

The Chief Environmental Health Officer reported on an application he had received for a Hackney Carriage/Private Hire Vehicle Drivers licence from Mr B. V. He submitted information which had been drawn to his attention concerning the applicant and set out details of the Committee's policy regarding such matters.

Mr B. V. had been invited to attend today's meeting but had failed to do so.

RESOLVED:- To agree that consideration of this matter be deferred until the next meeting of the Committee and that Mr B. V. be informed that should he fail to attend that meeting, a decision would be made by the Committee in his absence.

87 – Application for Hackney Carriage/Private Hire Vehicle Drivers Licence

The Chief Environmental Health Officer reported on an application he had received for a Hackney Carriage/Private Hire Vehicle Drivers licence from Mr G. J. R. He submitted information which had been drawn to his attention concerning the applicant and set out details of the Committee's policy regarding such matters. He reported that Mr G. J. R. had applied for a licence in October 2007 but had been refused at a meeting held on 31st January, 2008, in his absence, after failing to attend on two occasions (Minute No. 72 of the Licensing Committee 31st January, 2008 refers). A copy of the report submitted for consideration at that meeting along with a copy of a letter submitted by the applicant in support of his application had been appended to the report for Members' consideration. With the Committee's approval, Mr G. J. R. submitted a reference from his employer which was read out by the Chief Environmental Health Officer for Members' information.

Mr G. J. R. along with his representative from Avon Taxi's attended the meeting and addressed the Committee. A Police Representative was also present.

RESOLVED:- (i) To agree to grant Mr G. J. R. with a Hackney Carriage/Private Hire Vehicle Drivers licence on the understanding that he received a written warning as to his future conduct; and

(ii) To note that the applicant and the Operator had been requested to take on board the Committee's concerns in respect of his pattern of work.

The meeting closed at 3.35 p.m.

LICENSING COMMITTEE		Part One (D) Agenda Item 1
Date of Meeting:	27th April, 2009	
Reporting Officer:	Chief Environmental Health Officer	
<p>Title: Applications for Private Hire Vehicle and Hackney Carriage Drivers Licences from applicants from elsewhere in the European Union and other overseas Countries</p> <p>Summary and Conclusions:</p> <p>This report updates Members on advice from the Department of Transport in respect of applications for taxi licences from applicants from elsewhere in the European Union and other overseas countries and from the Borough Council Internal Audit service responding to requests for information from the National Fraud Initiative 2008/09.</p> <p>Recommendation:</p> <ol style="list-style-type: none"> 1) That applications for taxi licences from applicants with driving licences issued from elsewhere in the European Union and other overseas countries be accepted subject to applicants acquiring a UK driving licence within three years of their residency in the UK. 2) That Hackney Carriage and Private Hire Driver licence application forms for new applicants be amended to require the provision of details of the applicants home address for the previous three years and information confirming or otherwise if they have lived abroad. 3) That an application from a non-UK resident be required to obtain a 'Certificate of Conduct' from the Embassy of the applicants country of origin or place of recent residence, if appropriate and 4) That applications from non-UK residents be required to provide proof of residency and right to work in the UK. 		

Report

Members will be aware that at the last meeting the Committee deferred consideration of a report proposing changes to application forms for taxi licences to accommodate for applications from non-UK residents and applicants from elsewhere in the European Union(EU) and other overseas countries.

I can now report that I have subsequently had communications from the Borough Council Internal Audit service and the Audit Commission National Fraud Initiative 2008/9 in respect of the need for a policy on background checks for applicants from elsewhere in the EU and other overseas countries including enquiring about an applicants right to work in the UK. This reminder of good practice has arisen from the Audit Commission National Fraud Initiative (NFI) 2008/9 requiring data to be provided by Internal Audit so that NFI can match data provided by UK Border Agency to identify where licences have been issued to individuals with no right to work or stay in the UK.

The request from the NFI is relevant to the changes proposed in the report deferred at the last meeting and I have attached at **Appendix 1** a copy of that report and would ask you to reconsider this matter in light of the NFI enquiry.

Background Papers

Home Office: [Employing Migrant Workers.org.uk](http://EmployingMigrantWorkers.org.uk)

LICENSING COMMITTEE	Part One (D) Agenda Item 2
Date of Meeting: 27th April, 2009	
Reporting Officer: Chief Environmental Health Officer	
<p>Title: Furness Owl Centre, Sandscale Park, Barrow</p> <p>Summary and Conclusions:</p> <p>This report updates Members on the current status of Furness Owl Centre in respect of compliance with the requirements of the Zoo Licensing Act 1981.</p> <p>Recommendation:</p> <ol style="list-style-type: none"> 1) That the condition detailed below be removed from the Zoo Licence in respect of Furness Owl Centre, Sandscale Park, Barrow. <p style="margin-left: 40px;">“By 31st December, 2008 the proprietors must produce to the Local Authority a detailed and timed programme of institutional and structural improvements, including clear evidence of available means to satisfy the Local Authority and its advisors that the Zoo is capable of meeting the Directive conditions, other previously attached conditions on the Standards of Modern Zoo Practice by the time it re-opens” .</p> 2) That I be delegated authority to amend the Zoo Licence in respect of Furness Owl Centre, Sandscale Park, Barrow in accordance with a report arising from a Special Inspection undertaken by the Local Authority and a Nominated Zoo Inspector on 3rd April, 2009. 	

Report

Members will be aware that Furness Owl Centre have been working towards compliance with the requirements of standard set by the relevant European Union Directive and Standards of Modern Zoo Practice following an inspection undertaken by Andrew Greenwood, Nominated Zoo Inspector and my staff in December, 2007.

Following that inspection Furness Owl Centre were required to prepare and implement a programme of improvements to the satisfaction of the Local Authority by 31st December, 2008.

Members will be aware that at the Licensing Committee meeting held on 29th January, 2009 Members considered a report detailing improvements made by Furness Owl Centre. At that meeting it was resolved to undertake a Special Inspection under the

terms of the Zoo Licensing Act 1981 which requires that a Nominated Zoo Inspector is appointed to inspect the premises in partnership with the Local Authority.

It was considered necessary to take this course of action for the Licensing Committee to be confident that animal welfare conditions on the premises met the statutory standards.

I can now report that a Special Inspection was carried out by Andrew Greenwood, Nominated Zoo Inspector and my staff on 3 April 2009. At the time of drafting this report I have not received a formal report in respect of the inspection. I have however been provided with advice from the Nominated Zoo Inspector that he is satisfied that animal welfare matters are satisfactory and adequate improvements have been made to the premises to justify the opening of the premises effective from Easter 2009. This information has been communicated to Mrs. L. Jones, the licence holder so that she can take the necessary steps to open the premises to the public.

In order to effectively manage the administration following the Special Inspection I would ask that I be delegated authority to receive the formal report on your behalf. I would also recommend that the licence condition imposed by the Licensing Committee on 6th December, 2007 be removed from the Zoo Licence in respect of the Furness Owl Centre.

Background Papers

Nil

LICENSING COMMITTEE		Part One
Date of Meeting: 27th April, 2009		(D)
Reporting Officer: Chief Environmental Health Officer		Agenda Item 3
<p>Title: Unmet Demand Survey - Hackney Carriage Licences</p> <p>Summary and Conclusions:</p> <p>This report updates Members on the Quantity Control Policy Review and presents, as a necessary pre-requisite to the review, a draft of the Barrow-in-Furness Borough Council Hackney Carriage Demand Study for Members consideration.</p> <p>Recommendation:</p> <p>1) That Members note the information in the draft report and take no action in this matter.</p>		

Report

Members will be aware that the Department of Transport have required that all Local Authorities that operate a quantity control policy for hackney carriage licences must review this policy and publish the outcome.

A necessary preliminary to reviewing the quantity control policy is to undertake a survey to identify any unmet demand for taxi services in the Borough. Members will be aware that such a survey has been undertaken over the last few months in Barrow.

I can now report that I have received a draft report of the Barrow-in-Furness Borough Council Hackney Carriage Demand Study. A copy of the draft report is attached at **Appendix 2** for Members' consideration.

You will note from the summary and conclusions in the Draft Report that the survey has not identified any significant unmet demand for taxi services and the options open to the Borough Council are detailed at paragraph 7.2.2.

When Members last considered this matter in 2005 it was resolved to continue to impose a limit on the number of Hackney Carriage vehicles and I am not aware of any changes in circumstances that would warrant a change to that policy. I therefore recommend that Members resolve to continue with the current policy.

Background Papers

Nil

LICENSING COMMITTEE	Part One (D) Agenda Item 3
Date of Meeting: 12 th March, 2009	
Reporting Officer: Chief Environmental Health Officer	
<p>Title: Application for Private Hire Vehicle and Hackney Carriage Drivers Licences from Foreign Applicants and Applicants who have lived abroad</p> <p>Summary and Conclusions:</p> <p>The purpose of this report is to consider how applications for Hackney Carriage/Private Hire Vehicle Drivers Licences from foreign applicants and applicants who have lived abroad are dealt with as a result of concerns about verification of application details.</p> <p>Recommendation:</p> <ol style="list-style-type: none"> 1. That driver licences issued by other European Union Countries be accepted Subject to the applicants acquiring a UK driving licence within three years of their residency within the UK; 2. That Hackney Carriage and Private Hire Driver Licence application forms for new applicants be amended to require the provision of details of applicants' home addresses for the previous five years and if they have ever lived abroad; 3. That an applicant that has been resident outside the UK be required to obtain where applicable a "Certificate of Conduct" from the Embassy of the applicants country of origin or place of recent residence; and 4. That applications which include a foreign address as residence be required to provide proof of residency in the UK. 	

Report

Applicants for Hackney Carriage/Private Hire Vehicle Drivers Licences are required to:

- i) Possess a current DVLA licence which is 12 months old or more;
- ii) Pass a DVLA Group 2 medical examination certified by a General Practitioner;
- iii) Have an enhanced Criminal Records Bureau (CRB) check; and
- iv) Pay the appropriate fee.

Concerns have been raised as to how applicants details can be verified when they have been resident outside the UK for a time or are of non-UK origin.

Driving licences from Countries within the European Union are acceptable by virtue of the Driving Licences (Community Driving Licences) Regulations 1996 which amended sections 51 and 59 of the Local Government (Miscellaneous Provisions)

Act 1976 allowing full driving licences issued by European Economic Area states (EEA) to count towards the 12 months qualification period. Such a person is, however, only allowed to drive with such a licence for a period not exceeding three years after becoming resident in the UK. They must then make application to DVLA for a new UK drivers licence.

The Criminal Records Bureau check relates to offences that have occurred in the UK only. The Council cannot verify whether or not information as to any offences committed abroad (or lack of them) is correct and some Councils now request that the applicant supplies a "certificate of conduct" from the Embassy of the applicant's country of origin or where they have resided for a number of years. To ensure that we have made adequate enquiry into an applicant's criminal conviction history it would be helpful to ascertain whether they have lived abroad and, if so, for how long.

If a foreign address is disclosed in the application then depending on the context e.g. the age of the applicant when living abroad, a certificate of conduct could be sought and/or proof of residency in this country could be required. This can take the form of:

- (i) Application registration card issued by the Home Office to an asylum seeker stating that the holder is permitted to take up employment;
- (ii) A national passport or national identity card showing that they are a national of an EEA country or Switzerland;
- (iii) A resident permit issued to a national from an EEA country or Switzerland; or
- (iv) A passport or other document issued by the Home Office which has an endorsement stating that the holder has a current right of residents in the UK as the family member of a national from an EEA country or Switzerland who is resident in the UK.

Applicants from many foreign countries can enter and work in the UK without any restrictions, just like British Citizens. Foreign Nationals from the following countries need to register with the Home Office:-

- Czech Republic
- Estonia
- Hungary
- Lithuania
- Latvia
- Poland
- Slovakia
- Slovenia
- Romania
- Bulgaria

Employers have access to a Home Office compliance tool on its website to check whether a potential employee is legally allowed to work in UK.

Legal Implications

- (i) Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 provide that a Council shall not grant a licence unless satisfied that the applicant is a fit and proper person to hold a Hackney Carriage or Private Hire Vehicle drivers licence. It is entitled to take account of several factors in

reaching such a conclusion, so long as they are relevant to the role and functions of a driver of such vehicles.

- (ii) Section 57(1) of the Act of 1976 provides the power for an Authority to require applicants to submit such information under this part of the Act as it may reasonably consider necessary to enable it to be determined whether to grant the licence and whether conditions should be attached to any such licence.
- (iii) Section 17 of the Crime and Disorder Act 1998 imposed a general duty on Local Authorities to exercise their functions in such a manner as to have regard to the likely effect of the exercise of these functions on, and the need to do all that it reasonably can to prevent crime and disorder in their areas.

Impact Assessment

In determining whether an applicant is a fit and proper person to hold a Hackney Carriage/Private Hire Vehicle drivers licence, one of the considerations of the Committee will be the safety and welfare of the public who travel in vehicles licensed by the Council. Checks vary depending upon the country of origin, residence and relevant statutory provisions.

These proposals seek to apply, as far as is reasonably practicable the same standards to all applicants whilst adversely impacting on no specific group.

Background Papers

Home Office: [Employing Migrant Workers.org.uk](http://EmployingMigrantWorkers.org.uk)

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Barrow Borough Council
Hackney Carriage Demand Survey
Draft Report
February 2009

Contents Amendment Record

This report has been issued and amended as follows:

Issue	Revision	Description	Date	Signed
<u>1</u>		<u>Draft Report</u>	<u>13.02</u>	<u>SP</u>

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1

Study Objectives and Overview

1.1

General

1.1.1

This study has been conducted by Halcrow on behalf of Barrow Borough Council (BBC) in pursuit of the following objectives:

- to identify whether or not there exists a significant unmet demand for hackney carriage services in Barrow; and
- to recommend the increase in licences required to eliminate any significant unmet demand.

1.1.2

In 2006 the DfT produced 'Best Practice Guidance' for taxi licensing. The guidance also restated that the DfT considers it to be best practice not to impose quantity restrictions. However where restrictions are imposed, the Department urges that the matter is regularly reconsidered.

1.1.3

The DfT guidance is just that, guidance. We are unaware of any actual (or proposed) change in legislation that would affect the legal standing of an entry control policy in the context of local hackney carriage markets. The large body of well established case law and precedent should be unaffected by this guidance. Notwithstanding this, the local authority may wish to take this guidance into consideration when determining its policy, particularly given the forthright way in which DfT chooses to express its views on entry control in Paragraph 31:

'Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice.'

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2 Background

2.1 **General**

2.1.1

This section of the report provides a general background to the taxi market in Barrow and the relevant legislation governing the market. This section of the report also provides a background to relevant local policy.

2.2 **Relevant Entry Control Regulations**

2.2.1

Under the Town Police Clauses Act 1847, a licensing authority had an unfettered discretion to limit the number of hackney carriage licences by being able to licence only such numbers as it thought fit. It was a power, which was widely used by many authorities to restrict the numbers of hackney carriages for the purpose of exercising control and supervision over them. Under the Transport Act 1985, the position in law changed and the 1847 Act, as now amended by Section 16, provides as follows:

“That the grant of a licence may be refused for purposes of limiting the number of hackney carriages..., if but only if, the person authorised to grant a licence is satisfied that there is no significant demand for the services of hackney carriages... which is unmet”.

2.2.2

The Act also provides for an appeals procedure whereby unsuccessful applicants for hackney carriage licences may call upon an authority to demonstrate that it is satisfied that there exists no significant unmet demand. If, in the eyes of the Court, the Authority fails to meet this requirement, the appeal against the refusal to issue a licence will be successful.

2.3 **Barrow Overview and Background to the Hackney Carriage Market**

Barrow Borough Council is located in Cumbria in the North West of England. The population of the borough stands at approximately 72,000. This population is projected to grow by 6% to 76,300 by 2031. There are 152 licensed Hackney Carriages in the Barrow licensing district, giving a level of hackney carriage provision of one vehicle per 474 resident population. This level of provision is comparable to a de restricted authority.

2.3.1

The private hire fleet consists of approximately 229 vehicles. In view of the size of this fleet relative to the hackney carriage fleet, it is evident that this is the dominant force in the Barrow taxi market.

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2.4

Provision of Hackney Carriage Stands

2.4.1

There are currently five official ranks located in the Barrow licensing district. Two of these ranks are pictured below:

Plate 1

TO BE ADDED

Plate 2

2.5

Hackney Carriage Fares and License Premiums

2.5.1

Hackney carriage fares are regulated by the Local Authority. There are three tariffs, a daytime tariff (7am-Midnight), a night time tariff (Midnight-7am) and a third tariff for Bank Holidays and certain specific days. There is a series of additional charges for hiring's and a waiting time charge.

2.5.2

Tariff 1 is made up of two elements; an initial fee (or "drop") of £2.00 for entering the vehicle and travelling any distance up to 896 metres. For an additional 178 metres travelled the fee is 20p, plus fixed additions for waiting time of 10p per 30 seconds. A two-mile fare for tariff 1 would therefore be £2.80. Tariff 2 has an initial fee of £3.00 for entering the vehicle and travelling any distance up to 896 metres. For an additional 178 metres the fee is 30p, plus fixed additions for waiting time of 15p per 30 seconds. A two-mile journey for tariff 2 would therefore be £4.20. Table 2.2 outlines the fare structure in more detail.

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Table 2.2 Barrow Hackney Carriage Fare Tariff

	Price
Tariff 1 (Between 7am and Midnight)	
Initial fee for any distance travelled up to 896 metres	£2.00
For each subsequent 178 metres or uncompleted part thereof	20p
Waiting Time – for each 30 seconds	10p
Tariff 2 (Between Midnight and 7am)	
Initial fee for any distance travelled up to 896 metres	£3.00
For each subsequent 146.3 metres or uncompleted part thereof	30p
Waiting Time – for each 30 seconds	15p
Tariff 3 (applies to Bank Holidays, Christmas Eve and New Years Eve)	
Initial fee for any distance travelled up to 896 metres	£4.00
For each subsequent 178 metres or uncompleted part thereof	40p
Waiting Time – for each 30 seconds	20p
Other Charges	
Soiling Charge – outside	£10
- inside	£100 Maximum
Each extra person over two	20p

Source: Barrow Borough Council

2.5.3 In the published monthly league table, Barrow is ranked 268 of the 376 authorities cited (Private Hire and Taxi Monthly, January 2009). Fares are lower than what is typical elsewhere across the UK and when compared to neighbouring authorities. Table 2.3 provides a comparison of where neighbouring authorities rank in terms of fares.

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Table 2.3 Comparison of Neighbouring Authorities in Terms of Fares (figures are ranked out of a total of 376 Authorities with 1 being the most expensive)

Local Authority	Rank
Eden District	171
Carlisle	217
South Lakeland	270
Barrow	274
Allerdale	322
Copeland	341

Source: *Private Hire and Taxi Monthly, January 2009*

2.5.4 Where local hackney carriage markets are subject to both price and entry regulation, it has commonly been the case that a rent accrues to the ownership of the vehicle licence. This rent or "premium" is difficult to assess accurately as the re-sale of vehicle licences is not encouraged by the Authority.

2.5.5 The existence of a licence premium is evidence of "excess" profit; that is, profit that would not exist if the level of supply of hackney carriages was determined by the market rather than by the Regulator. Licence premiums do not exist in Authorities where quantity controls are absent. This does not mean that we judge hackney carriage proprietors in Barrow to be making too much money. It is not within our remit to comment on what is or is not an appropriate rate of remuneration from hackney carriage operation. The term "excess" profit simply means that earnings from plying for hire are higher at present than they would be if a free entry policy was introduced.

2.5.6 Although a premium is a clear indicator of higher than "market" profits it is not necessarily an indicator of significant unmet demand. Where a premium exists, this may be due to low cab waiting time associated with under-supply, and hence passenger delays. Alternatively, it may be due to a fares level, which is higher than the break-even level for a given supply. Finally, it may simply be a reflection of the absence of alternative means of gaining employment.

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2.6
2.6.1

Local Policy

The Barrow-in-Furness Local Transport Plan 2 (2006-2011), set out Barrows' plans in terms of regeneration and economic development throughout the borough. The key aims are:

- to improve road safety within the borough;
- improve accessibility;
- reduce congestion; and
- encourage economic development.

2.6.2

In order to meet these proposals the Barrow-in-Furness Local Transport Plan 2 developed key proposals for the borough, some of which have been completed or are in the process of being completed:

- Increase the capacity of the highway network: provide a link road between the A590 and A5087;
- Better access to Barrow's employment sites: improvements to 12 Junctions to avoid future congestion as a result of development traffic;
- Introduction of Home Zones in Hindpool and Roosegate: reclaim the streets for pedestrians and cyclists;
- Town Centre Design Framework: Public Realm Improvement Scheme to enhance economic vitality, reduce congestion and improve safety;
- Improve access to the Dock Estate and Ramsden Dock Road where new housing recreational developments are planned; and
- Promote Abbey road as the main route for tourists into Barrow; avoiding the industrial developments taking place near the A590.

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3 Definition, Measurement and Removal of Significant Unmet Demand

3.1 Introduction

3.1.1 Section 3 provides a definition of significant unmet demand derived from experience of over 100 unmet demand studies since 1987. This leads to an objective measure of significant unmet demand that allows clear conclusions regarding the presence or absence of this phenomenon to be drawn. Following this, a description is provided of the SUDSIM model which is a tool developed to determine the number of additional hackney licences required to eliminate significant unmet demand, where such unmet demand is found to exist.

3.2 Overview

Significant Unmet Demand (SUD) has two components:

- patent demand – that which is directly observable; and
- "suppressed" demand – that which is released by additional supply.

3.2.1 Patent demand is measured using rank observation data. Suppressed (or latent) demand is assessed using data from the rank observations and public attitude interview survey. Both are brought together in a single measure of unmet demand, ISUD (Index of Significant Unmet Demand).

3.3 Defining Significant Unmet Demand

3.3.1 The provision of evidence to aid licensing authorities in making decisions about hackney carriage provision requires that surveys of demand be carried out. Results based on observations of activity at hackney ranks have become the generally accepted minimum requirement.

3.3.2 The definition of significant unmet demand is informed by two Court of Appeal judgements:

- R v Great Yarmouth Borough Council ex p Sawyer (1987); and
- R v Castle Point Borough Council ex p Maude (2002).

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3.3.3 The Sawyer case provides an indication of the way in which an Authority may interpret the findings of survey work. In the case of Sawyer v. Yarmouth City Council, 16 June 1987, Lord Justice Woolf ruled that an Authority is entitled to consider the situation from a temporal point of view as a whole. It does not have to condescend into a detailed consideration as to what may be the position in every limited area of the Authority in relation to the particular time of day. The area is required to give effect to the language used by the Section (Section 16) Transport Act 1985 and can ask itself with regard to the area as a whole whether or not it is satisfied that there is no significant unmet demand.

3.3.4 The term "suppressed" or "latent" demand has caused some confusion over the years. It should be pointed out that following Maude v Castle Point Borough Council, heard in the Court of Appeal in October 2002, the term is now interpreted to relate purely to that demand that is measurable. Following Maude, there are two components to what Lord Justice Keene prefers to refer to as "suppressed demand":

- what can be termed inappropriately met demand. This is current observable demand that is being met by, for example, private hire cars illegally ranking up; and
- that which arises if people are forced to use some less satisfactory method of travel due to the unavailability of a hackney carriage.

3.3.5 If demand remained at a constant level throughout the day and week, the identification and treatment of significant unmet demand would be more straight-forward. If there were more cabs than required to meet the existing demand there would be queues of cabs on ranks throughout the day and night and passenger waiting times would be zero. Conversely, if too few cabs were available there would tend to be queues of passengers throughout the day. In such a case it would, in principle, be a simple matter to estimate the increase in supply of cabs necessary to just eliminate passenger queues.

3.3.6 Demand for hackney carriages varies throughout the day and on different days. The problem, introduced by variable demand, becomes clear when driver earnings are considered. If demand is much higher late at night than it is during the day, an increase in cab supply large enough to eliminate peak delays will have a disproportionate effect on the occupation rate of cabs at all other times. Earnings will fall and fares might have to be increased sharply to sustain the supply of cabs at or near its new level.

3.3.7 The main implication of the present discussion is that it is necessary, when considering whether significant unmet demand exists, to take account of the practicability of improving the standard of service through increasing supply.

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3.4 Measuring Patent Significant Unmet Demand

3.4.1 Taking into account the economic, administrative and legal considerations, the identification of this important aspect of significant unmet demand should be treated as a three stage process as follows:

- identify the demand profile;
- estimate passenger and cab delays; and
- compare estimated delays to the demand profile.

3.4.2 The broad interpretation to be given to the results of this comparison are summarised in Table 3.1.

Table 3.1 Existence of Significant Unmet Demand (SUD) Determined by Comparing Demand and Delay Profiles

	Delays during peak only	Delays during peak and other times
Demand is:		
Highly Peaked	No SUD	Possibly a SUD
Not Highly Peaked	Possibly a SUD	Possibly a SUD

3.4.3 It is clear from the content of the table that the simple descriptive approach fails to provide the necessary degree of clarity to support the decision making process in cases where the unambiguous conclusion is not achievable. However, it does provide the basis of a robust assessment of the principal component of significant unmet demand. The analysis is therefore extended to provide a more formal numerical measure of significant unmet demand. This is based on the principles contained in the descriptive approach but provides greater clarity. A description follows.

3.4.4 The measure feeds directly off the results of observations of activity at the ranks. In particular it takes account of:

- case law that suggests an authority should take a broad view of the market;
- the effect of different levels of supply during different periods at the rank on service quality;
- the need for consistent treatment of different authorities, and the same authority over time.

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3.4.5

The Index of Significant Unmet Demand (ISUD) was developed in the early 1990's and is based on the following formula. The SF element was introduced in 2003 and the LDF element was introduced in 2006 to reflect the increased emphasis on latent demand in DfT Guidance

$$\text{ISUD} = \text{APD} \times \text{PF} \times \text{GID} \times \text{SSP} \times \text{SF} \times \text{LDF}$$

Where:

- APD = Average Passenger Delay calculated across the entire week.
- PF = Peaking Factor. If passenger demand is highly peaked at night the factor takes the value of 0.5. If it is not peaked the value is 1. Following case law this provides dispensation for the effects of peaked demand on the ability of the Trade to meet that demand. To identify high peaking we are generally looking for demand at night (at weekends) to be substantially higher than demand at other times.
- GID = General Incidence of Delay. This is measured as the proportion of passengers who travel in hours where the delay exceeds one minute.
- SSP = Steady State Performance. The corollary of providing dispensation during the peaks in demand is that it is necessary to focus on performance during "normal" hours. This is measured by the proportion of hours during weekday daytimes when the market exhibits excess demand conditions (i.e. passenger queues form at ranks).
- SF = Seasonality factor. Due to the nature of these surveys it is not possible to collect information throughout an entire year to assess the effects of seasonality. Experience has suggested that hackney demand does exhibit a degree of seasonality and this is allowed for by the inclusion of a seasonality factor. The factor is set at a level to ensure that a marginal decision either way obtained in an "untypical" month will be reversed. This factor takes a value of 1 for surveys conducted in September to November and March to June, i.e. "typical" months. It takes a value of 1.2 for surveys conducted in January and February and the longer school holidays, where low demand the absence of contract work will bias the results in favour of the hackney trade, and a value of 0.8 for surveys conducted in December during the pre Christmas rush of activity. Generally, surveys in these atypical months, and in school holidays, should be avoided.
- LDF = Latent Demand Factor. This is derived from the public attitude survey results and provides a measure of the proportion of the public who have given up trying to obtain a hackney carriage at either a rank or by

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flagdown during the previous three months. It is measured as 1+ proportion giving up waiting. The inclusion of this factor is a tactical response to the latest DFT guidance.

3.4.6 The product of these six measures provides an index value. The index is exponential and values above the 80 mark have been found to indicate significant unmet demand. This benchmark was defined by applying the factor to the 25 or so studies that had been conducted at the point it was developed. These earlier studies had used the same principles but in a less structured manner. The highest ISUD value for a study where a conclusion of no significant unmet demand had been found was 72. The threshold was therefore set at 80. The ISUD factor has been applied to over 80 studies by Halcrow and has been adopted by others working in the field. It has proved to be a robust, intuitively appealing and reliable measure.

3.4.7 Suppressed/latent demand is explicitly included in the above analysis by the inclusion of the LDF factor and because any known illegal plying for hire by the private hire trade is included in the rank observation data. This covers both elements of suppressed/latent demand resulting from the Maude case referred to above and is intended to provide a 'belt and braces' approach. A consideration of latent demand is also included where there is a need to increase the number of hackney carriage licences following a finding of significant unmet demand. This is discussed in the next section.

3.5 ***Determining the Number of New Licences Required to Eliminate Significant Unmet Demand***

3.5.1 To provide advice on the increase in licences required to eliminate significant unmet demand, Halcrow has developed a predictive model. SUDSIM is a product of 20 years experience of analysing hackney carriage demand. It is a mathematical model, which predicts the number of additional licences required to eliminate significant unmet demand as a function of key market characteristics.

3.5.2 SUDSIM represents a synthesis of a queue simulation work that was previously used (1989 to 2002) to predict the alleviation of significant unmet demand and the ISUD factor described above (hence the term SUDSIM). The benefit of this approach is that it provides a direct relationship between the scale of the ISUD factor and the number of new hackney licences required.

3.5.3 SUDSIM was developed taking the recommendations from 14 previous studies that resulted in an increase in licences, and using these data to calibrate an econometric model. The model provides a relationship between the recommended increase in licences and three key market indicators:

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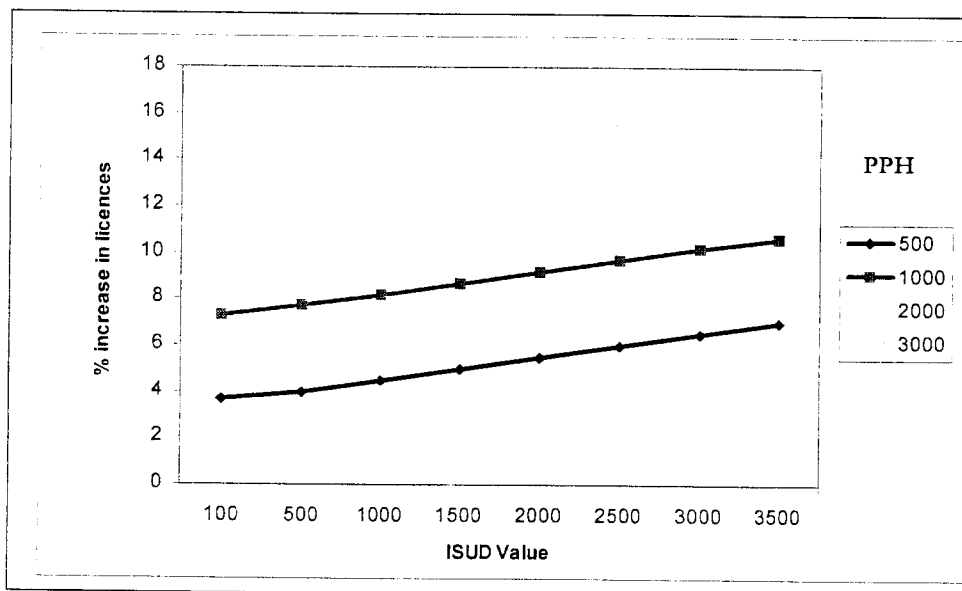
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- the population of the licensing Authority;
- the number of hackneys already licensed by the licensing Authority; and
- the size of the SUD factor.

3.5.4

The main implications of the model are illustrated in Figure 3.1 below. The figure shows that the percentage increase in a hackney fleet required to eliminate significant unmet demand is positively related to the population per hackney (PPH) and the value of the ISUD factor over the expected range of these two variables.

Figure 3.1 Forecast Increase in Hackney Fleet Size as a Function of Population Per Hackney (PPH) and the ISUD Value



3.5.5

Where significant unmet demand is identified, the recommended increase in licences is therefore determined by the following formula:

$$\text{New Licences} = \text{SUDSIM} \times \text{Latent Demand Factor}$$

Where:

- Latent Demand Factor = (1 + proportion giving up waiting for a hackney at either a rank or via flagdown)

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3.6

3.6.1

Note on Scope of Assessing Significant Unmet Demand

It is useful to note the extent to which a licensing authority is required to consider peripheral matters when establishing the existence or otherwise of significant unmet demand. This issue is informed by *R v Brighton Borough Council, exp p Bunch 1989*¹. This case set the precedent that it is only those services that are exclusive to hackney carriages that need concern a licensing authority when considering significant unmet demand. Telephone booked trips, trips booked in advance or indeed the provision of bus type services are not exclusive to hackney carriages and have therefore been excluded from consideration.

¹ See Button JH 'Taxis – Licensing Law and Practice' 2nd edition Tottel 2006 P226-7

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4 Evidence of Patent Unmet Demand – Rank Observation Results

4.1 Introduction

4.1.1

This section of the report highlights the results of the rank observation survey. The rank observation programme covered a period of 110 hours. During the hours observed some 7,825 passengers and 4,699 cab departures were recorded. The rank observations were carried out from Saturday 1st November to Tuesday 25th November 2008. A summary of the entire rank observation programme is provided in Appendix 2.

4.1.2

The results presented in this Section summarise the information and draw out its implications. This is achieved by using five indicators:

- **The Balance of Supply and Demand** – this indicates the proportion of the time that the market exhibits excess demand, equilibrium and excess supply;
- **Average Delays and Total Demand** – this indicates the overall level of passengers and cab delays and provides estimates of total demand;
- **The Demand/Delay Profile** – this provides the key information required to determine the existence or otherwise of significant unmet demand;
- **The Proportions of Passengers Experiencing Given Levels of Delay** – this provides a guide to the generality of passenger delay; and
- **The Effective Supply of Vehicles** – this indicates the proportion of the fleet that was off the road during the survey.

4.2 The Balance of Supply and Demand

4.2.1

The results of the analysis are presented in Table 4.1 below. The predominant market state is one of equilibrium. Excess supply (queues of cabs) was experienced during only 7% of the hours observed as was excess demand (queues of passengers). Conditions are most favourable to customers during the weekday daytime and Sunday daytime periods. Conditions were least favourable to customers on weekday daytime periods.

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Table 4.1 The Balance of Supply and Demand in the Barrow Rank-Based Hackney Carriage Market (Percentages – Rows Sum to 100)

Period		Excess Demand	Equilibrium	Excess Supply
Weekday	Day	0	100	0
	Night	14	86	0
Weekend	Day	12	88	0
	Night	7	73	20
Sunday	Day	0	100	0
All 2008		7	87	6

NB – Excess Demand = Maximum Passenger Queue ≥ 3 . Excess Supply = Minimum Cab Queue ≥ 3 – values derived over 12 time periods within an hour.

4.3 Average Delays and Total Demand

4.3.1 The following estimates of average delays and throughput were produced for each of the main ranks in the licensing district and for the district as a whole (Table 4.2).

4.3.2 The survey suggests some 7,825 passenger departures occur per week from ranks in Barrow involving some 4,699 cab departures.

4.3.3 The hackney carriage trade is somewhat concentrated at Cornwallis Street, accounting for 46.4% of the total. On average, passengers wait 0.50 minutes for a cab. Passengers experience the greatest delay at the Dalkeith Street rank where an average delay of 0.75 minutes is experienced.

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Table 4.2 Average Delays and Total Demand (Delays in Minutes)

Rank	Passenger Departures	Cab Departures	Average Passenger Delay	Average Cab Delay
Cornwallis Street	3,633	2,534	0.62	6.91
Dalton Road	681	330	0.00	9.46
Dalkeith Street	974	747	0.75	6.13
Train Station	1,058	492	0.73	3.31
Morrison's Car Park	1,479	597	0.12	8.93
Total	7,825	4,699	0.50	6.85

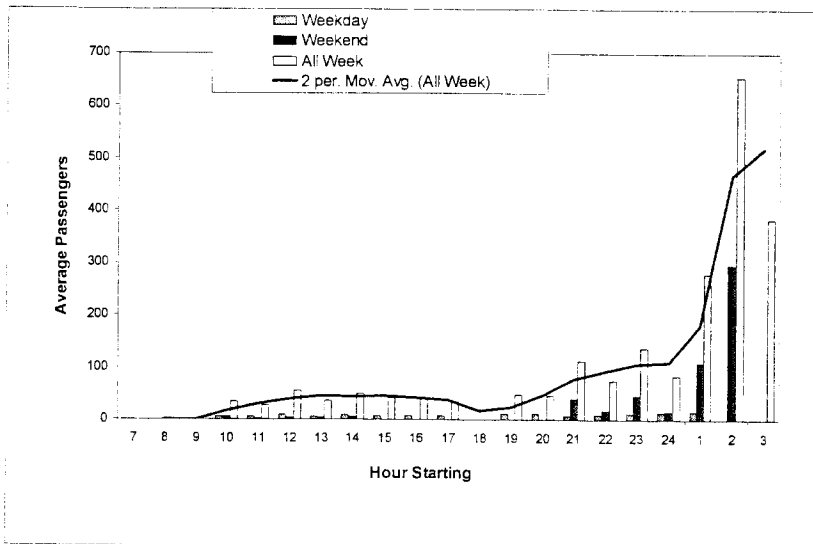
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The Delay/Demand Profile

4.4.1

Figure 4.1 provides a graphical illustration of passenger demand for the Monday to Saturday period between the hours of 09:00 and 03:00.

Figure 4.1 Passenger Demand by Time of Day in 2008 (Monday to Saturday)



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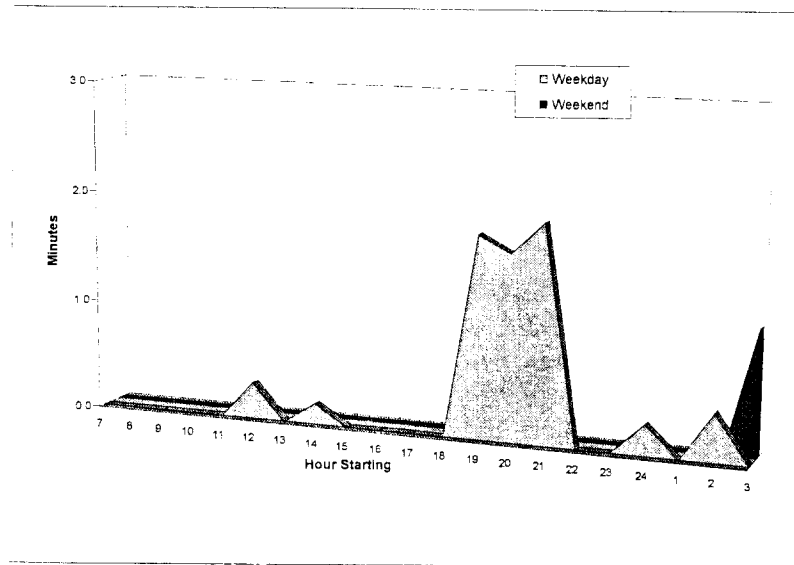
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- 4.4.2 Figure 4.2 provides an illustration of passenger delay by the time of day for the weekday and weekend periods. It indicates incidences of passenger delay peak at weekdays between 1600 & 2200 and weekends between 0200 and 0400. The level of passenger delay highest peak is 1.96 minutes on weekday days. For all other times of day the level of passenger delay is generally less than a minute.
- 4.4.3 The level of peaking late at night relative to the daytime is high; we therefore conclude that this is a 'highly peaked' demand profile. This has implications for the interpretation of the results (see section 4.7 below).
- 4.4.4 Recent best practice guidance, issued by the DfT, states that delays associated with peaks in demand (such as morning and evening rush hours, or pub closing times) should be treated as 'significant' as they are often the most popular times for consumers to use taxis. However, in *R v Great Yarmouth Borough Council ex p Sawyer (1987)* Lord Justice Woolf ruled that an Authority is entitled to consider the situation from a temporal point of view as a whole. It does not have to condescend into a detailed consideration as to what may be the position in every limited area of the Authority in relation to the particular time of day.
- 4.4.5 It should also be noted that these 'peaks' may not directly be the result of the authority's limitation policy as they can also occur in de-restricted authorities. For example, we observed high passenger delays at ranks during weekend late night peak periods in Leicester in 2000 despite the fact that there had been no numerical limit in place in the hackney carriage market for over 10 years. Halcrow believes that the DfT is mistaken in its assertion that passenger delay late at night associated with short term peaks in demand is evidence of the detrimental impact of quantity control regulations. Rather, it is an inevitable consequence of the concentration of demand i.e. it is caused by the same fundamental principles that cause queues in banks, post offices and supermarkets.

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Figure 4.2 Passenger Delay by Time of Day in 2008 (Monday to Saturday)



4.5

The Effective Supply of Vehicles

4.5.1

Observers were required to record the hackney carriage licence plate number of vehicles departing from ranks. In this way we are able to ascertain the proportion of the fleet that was operating during the survey.

4.5.2

During the daytime period (0700 to 1800) some 75 (49%) of the hackney fleet were observed at least once during the period of the study. During the evening/night time period (1800 to 0700) some 90 (59%) of the hackney fleet were also observed at least once during the period of the study. These figures are quite low and may indicate that many hackney vehicles are not working on a radio circuit.

4.6

Illegal Plying for Hire

4.6.1

During the period of the study a number of instances of illegal plying for hire were observed. These instances were predominantly at night and in the areas of Dalkeith Street and the train station.

4.7

Deriving the Significant Unmet Demand Index Value

4.7.1

The data above can be summarised using Halcrow's ISUD factor described in Section 2. The component parts of the index, their source and their values are given below:

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• Average Passenger Delay (Table 4.2)	0.50
• Peak Factor (Figure 4.1)	0.5
• General Incidence of Delay (Table 4.3)	12.52
• Steady State Performance (Table 4.1)	0
• Seasonality Factor (paragraph 3.4.5)	1
• Latent Demand Factor (paragraph 5.2.6)	1.293
ISUD (0.5*0.5*12.52*0*1*1.293)	0

4.7.2 The cut off level for a significant unmet demand is 80. It is clear that Barrow is well below this cut off point, indicating that there is NO significant unmet demand. This conclusion covers both patent and latent/suppressed demand.

4.8 **Barrow Compared to Other Districts**

4.8.1 Comparable statistics are available from 60 local authorities and these are listed in Table 4.3. The table highlights a number of key results including:

- population per hackney carriage at the time of the study (column one);
- the proportion of rank users travelling in hours in which delays of greater than zero, greater than one minute and greater than five minutes occurred (columns two to four);
- average passenger and cab delay calculated from the rank observations (columns five to six);
- the proportion of Monday to Thursday daytime hours in which excess demand was observed (column seven);
- the judgement on whether rank demand is highly peaked (column eleven); and
- a numerical indicator of significant unmet demand.

4.9 **Results of the Comparison with Previous Studies**

4.9.1 The following points (obtained from the rank observations) may be made about the results in Barrow compared to other areas studied:

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- population per hackney carriage is lower than the average overall value i.e. provision is lower.;
- the proportion of passengers, who travel in hours where some delay occurs, is 13.97%, which is lower than the average (30%) for the districts analysed. The proportion of passengers travelling in hours where the delay equals or exceeds one minute (12.52%) is also below the average of 16% for all the authorities;
- overall average passenger delay at 0.50 minutes is 0.46 minutes lower than the average value;
- overall average cab delay is lower than the average for all the districts shown;
- the proportion of weekday daytime hours in which excess demand conditions are observed is 0% which is well under the average; and
- demand in Barrow is considered to exhibit a high degree of peaking late at night compared to the rest of the day.

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5 Evidence of Suppressed Demand – Public Attitude Pedestrian Survey Results

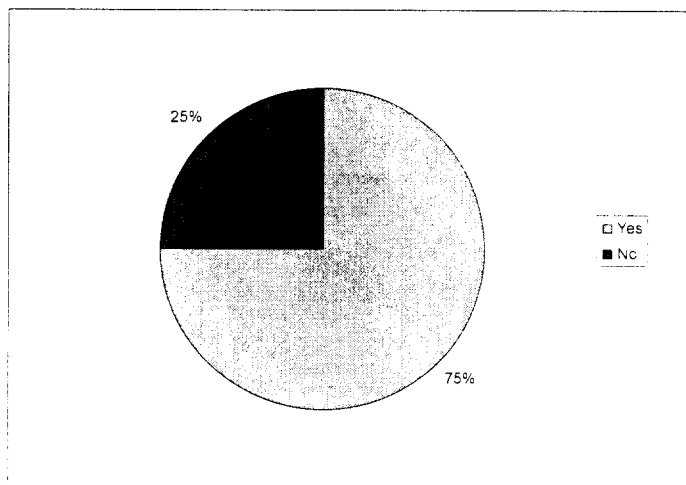
5.1 Introduction

5.1.1 Some 469 on-street public interview surveys were carried out in November 2008. A quota was followed so that the survey reflected the age and gender characteristics of the local community. This, in turn, ensured that broadly representative results were obtained. For the purpose of the survey the generic word 'taxi' was used which incorporated both hackney carriages and private hire vehicles.

5.1.2 A full breakdown and analysis of the results and the survey form are provided in Appendix 3.

5.1.3 The survey found that 74.5% of respondents had used a taxi in Barrow within the last three months. The results are displayed in Figure 5.1

Figure 5.1 Have you made a trip by taxi in the last 3 months?



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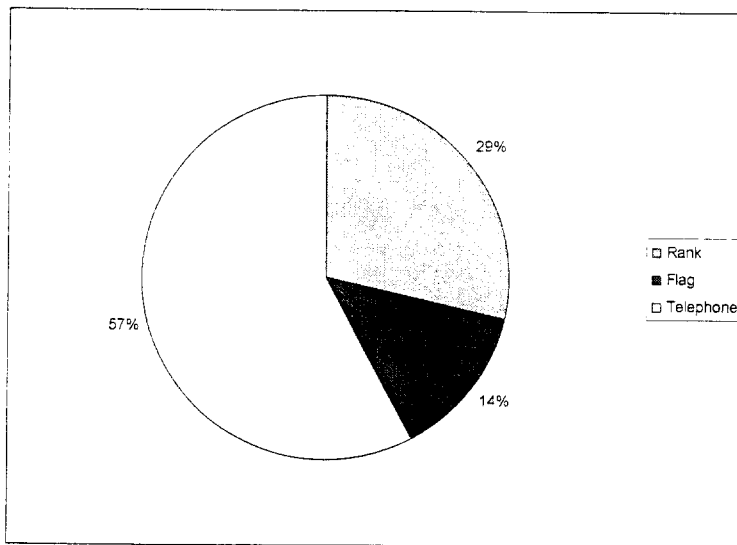
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5.2
5.2.1

Method of Hire on Last Trip

Tripmakers were asked how they obtained their taxi. Some 28.6% of tripmakers stated that they hired their taxi at a rank. Over half of hirings were achieved by telephone (57.8%) with 13.6% of tripmakers obtaining a taxi by on-street flagdowns. Figure 5.2 reveals the pattern of taxi hire.

Figure 5.2 Method of Hire for Last Trip



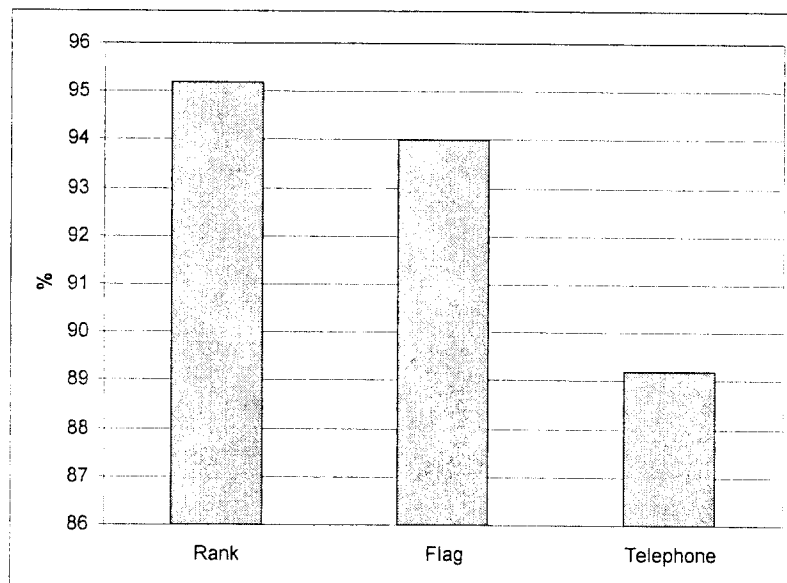
5.2.2

Respondents were asked if they were satisfied with the time taken and the promptness of the taxis arrival. The majority of people were satisfied with their last taxi journey (92.8%) Figure 5.3 shows that for each method of obtaining a taxi, the majority were satisfied with the service. Satisfaction with obtaining a taxi at a rank was the highest.

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Figure 5.3 Satisfaction with Delay on Last Trip by Method of Hire



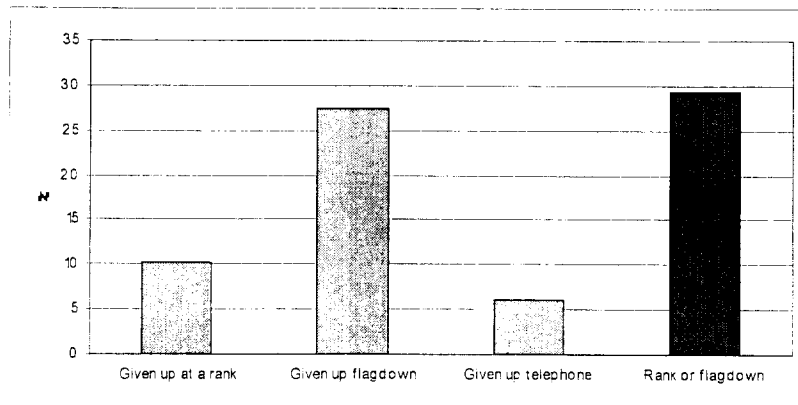
5.2.3

To provide evidence relating to suppressed demand in the event of a finding of significant patent unmet demand, respondents were asked to identify whether or not they had given up waiting for a taxi at a rank, on the street, or by telephone in Barrow in the last three months. The results are documented in figure 5.4.

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Figure 5.4 Latent demand by method of hire – Have you given up trying to make a hiring?



5.2.4 Figure 5.5 highlights that 10.3% had given up waiting for a taxi at a rank, with 27.5% having given up via flagdown and 6.1% via telephone. Some 29.3% of respondents had given up attempting to hire a vehicle by rank or flagdown.

5.3 Service Improvements

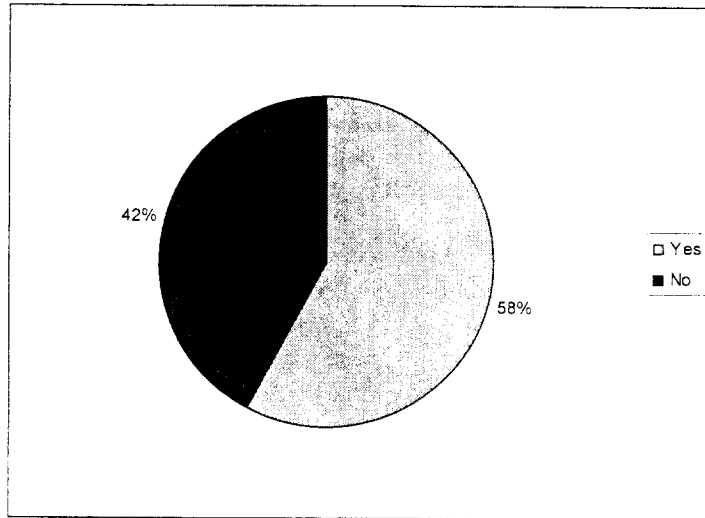
5.3.1 Respondents were asked what the main reason was for them not using taxis in Barrow more often. Some 38.6% of respondents stated that they did not use taxis more often because they had a car available and 23.3% stated that there was a bus available. Some 10% stated that it was too expensive to use taxis more often.

5.3.2 Respondents were then asked if they thought the taxi service in Barrow could be improved. The responses indicate that the majority of respondents (57.7%) thought that taxi services in Barrow could be improved. The results are documented in figure 5.6.

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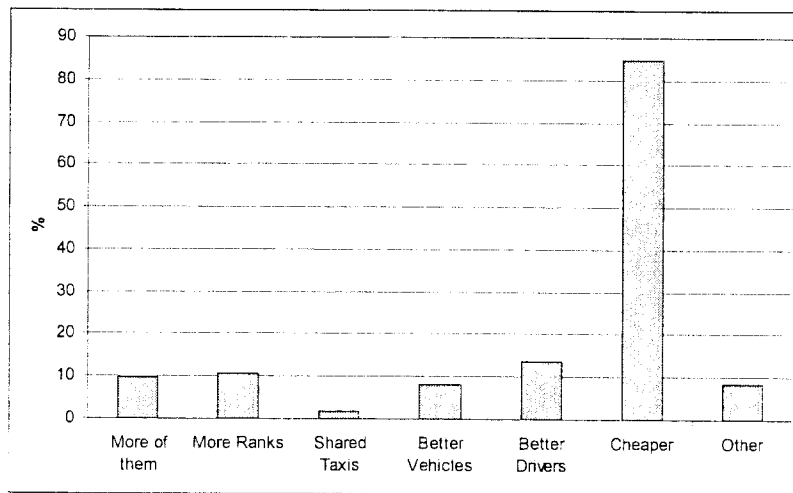
Figure 5.6 Could taxi services be improved?



5.3.3

Those who considered that taxi services needed improvement were asked how they could be improved. Figure 5.7 documents the range of potential improvements.

Figure 5.7 How could taxi services be improved (multiple responses)?



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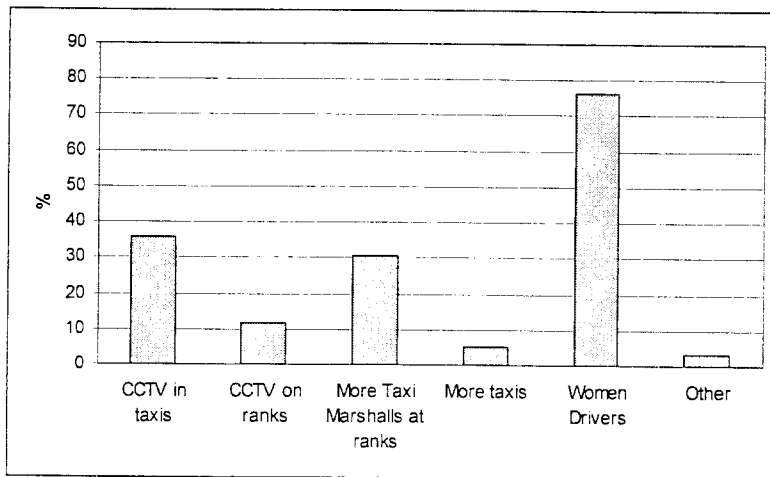
5.3.4 As detailed in Figure 5.7 some 84.9% of responses stated that taxis in Barrow could be improved if they were made cheaper. Some 10.8% stated that there was a need for more ranks and some 13.6% of respondents would like to see better drivers.

5.4 Safety & Security

5.4.1 Respondents were asked whether they felt safe when using taxis in Barrow. The majority of respondents felt safe using taxis during the day (99.8%); however some 12% stated that they felt unsafe using taxis at night in Barrow.

5.4.2 Respondents who did not feel safe during the day or at night were asked what needed to be done to improve safety and security when using taxis in Barrow. Some 76.3% of respondents stated that they would feel safer with female drivers, 35.6% commented that CCTV in taxis would improve safety and 30.5% of respondents would like to see marshals at ranks. The results are shown in figure 5.8.

Figure 5.8 Improvements to safety and security when using taxis in Barrow (multiple responses)



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5.5

Ranks

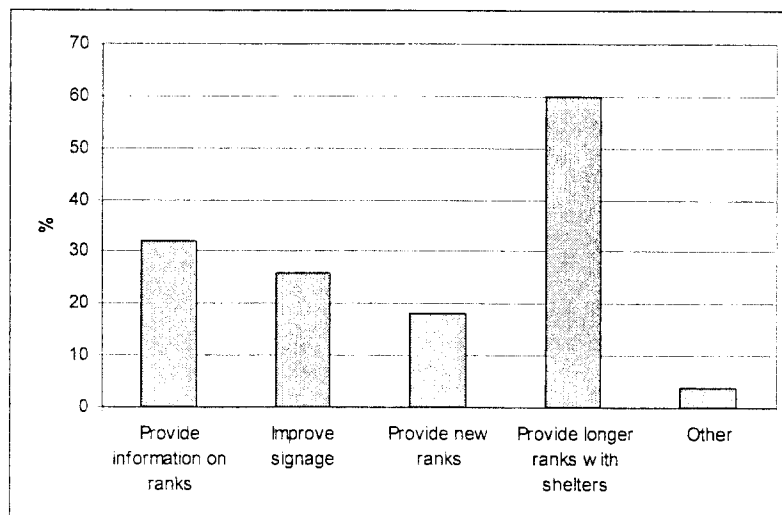
5.5.1

The survey asked if respondents were satisfied with the provision of taxi ranks in Barrow. Some 28.7% of respondents were satisfied with the provision of ranks in Barrow with a further 60.5% of respondents being unsure as to whether any more ranks were needed. The remaining 53 respondents (10.8%) felt there was a definite need for new rank provision.

5.5.2

The 10.8% of respondents who were not satisfied with the current provision of ranks in Barrow were asked what needed to be done about this. Over half of respondents (60%) would like to see longer ranks with shelters provided, whilst 32% would like to see more information at ranks. A further 26% commented that improved signage would improve the provision of taxis in Barrow. The results are documented in figure 5.9.

Table 5.2 Improvements to taxi rank provision in Barrow (multiple responses)



5.5.3

Respondents were asked whether there were any locations that a new rank should be implemented. Some 8.4% of respondents stated that new locations were required, with 30.4% stating that none were required and 61.2% being unsure.

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5.5.4

Those individuals who stated they would like to see a new rank were subsequently asked to provide a location. The most popular locations were:

- Hawcoat;
- Dalton;
- Ormsgill; and
- Generally in the town centre

Key results from the Public Attitude Survey can be summarised as:

- Over half of hirings are by telephone;
- High levels of satisfaction with delay on last trip – Rank hirings provide the highest level of satisfaction;
- Some 37.1% of respondents had given up trying to obtain a vehicle by rank or flagdown;
- Some 57.7% of respondents feel that taxi services in Barrow could be improved (need to be cheaper);
- Majority of respondents (99.8%) felt safe using taxis during the day; and
- Some 12% of respondents felt unsafe using taxis at night.

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6 Consultation

6.1 *Introduction*

6.1.1 Guidelines issued by the Department for Transport state that consultation should be undertaken with the following organisations and stakeholders:

- all those working in the market;
- consumer and passenger (including disabled) groups;
- groups which represent those passengers with special needs;
- the Police;
- local interest groups such as hospitals or visitor attractions; and
- a wide range of transport stakeholders such as rail/bus/coach providers and transport managers.

6.2 *Indirect Consultation*

6.2.1 Stakeholders in Barrow were contacted by letter. Copies of all the replies are included in Appendix 4.

6.2.2 In accordance with advice issued by the DfT the following organisations were contacted:

- Barrow BC;
- user/disability groups representing those passengers with special needs;
- local interest groups including hospitals, visitor attractions, entertainment outlets and education establishments; and
- rail, bus and coach operators.

6.3 *Comments Received*

6.3.1 The comments received are summarised below and appended in full to this report.

Trade Representatives

6.3.2 The representatives of the trade have differing views on the adequacy of the hackney carriage supply. Some felt that the supply is sufficient across all times of the day and across all areas, whilst others felt that there is poor supply throughout the day and some areas are not serviced at all.

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- 6.3.3 With regard to private hire vehicles, representatives felt that there is sufficient supply across all times of the day and all areas in Barrow.
- 6.3.4 Some trade representatives felt that the attitudes and quality of the drivers vary and there is an urgent need for additional training to improve standards whilst another representative was of the opinion that all drivers have caring attitudes and there is no need for further training.
- 6.3.5 The trade representatives stated that new ranks are definitely needed within Barrow centre to make it a more accessible form of transport for the frail and disabled. More signage is also needed to inform people of rank locations and the how far it is to walk to them. Additionally, there should be more enforcement of parking restrictions at ranks for non-taxi vehicles.
- 6.3.6 With regard to the accessibility of vehicles, one representative stated that more are required as it is difficult to pre-book wheelchair accessible vehicles. Another stated that some private hire firms have superbly addressed the issue of accessible vehicles.
- 6.3.7 It was felt that taxis complement other types of public transport very well.
- 6.3.8 With regard to restricting the number of hackney licences, one representative felt that there should be no restrictions, whilst others felt that in the interest of safety and the inadequate supply of ranks, the limit should continue to exist.

West Lakes Renaissance

- 6.3.9 The representatives from West Lakes Renaissance felt that there is a good supply of both hackney carriage and private hire vehicles across all times of the day and all areas in Barrow.
- 6.3.10 The attitude and quality of drivers was perceived as 'good' and the representative felt that there is no need for additional training.
- 6.3.11 The representative stated that not all vehicles in Barrow are sufficiently equipped for disabled users.
- 6.3.12 It was felt that the implementation of marshals at ranks would be a good idea.

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6.3.13 With regard to the integration of transport, it was felt that taxis complement the provision of public transport well in Barrow.

6.3.14 The representative of West Lakes Renaissance stated that the restriction on the number of hackney carriage licences should remain in place, and only vehicles of high quality should be allowed.

Nightclubs

6.3.15 The representative from The Nines nightclub in Barrow felt that there is an adequate supply of both hackney carriages and private hire vehicles across all times of the day and all areas of Barrow.

6.3.16 With regard to the quality and type of vehicles the representative stated that they vary greatly between companies. This was also said in reference to the attitudes and quality of the drivers. Some companies would benefit from additional training to improve their service.

6.3.17 The representative felt that no additional ranks are required within Barrow, although vehicles should be split evenly between them.

6.3.18 It was suggested that additional wheelchair accessible vehicles should be provided and marshals should be implemented at ranks.

6.3.19 The representative felt that Barrow Borough Council should continue to restrict the number of hackney carriage licences.

Educational Establishments

6.3.20 Responses were received from St Georges C of E Primary School, North Waaney Primary School and Thornccliffe School. One representative felt that the supply of private hire vehicles throughout the day and across all areas in Barrow is 'good.'

6.3.21 With regard to the quality and type of the vehicles it was felt that they vary, as do the quality and attitudes of the drivers. It was perceived that additional training is required for some drivers.

6.3.22 The representatives felt that Barrow could benefit from some additional wheelchair accessible vehicles, even though the ease, with which to pre-book one is good.

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- 6.3.23 The level and structure of the fares in Barrow were considered by the representatives to be medium during the day and high at night.
- 6.3.24 One representative commented that there is sufficient advertising of hackney carriage and private hire vehicles in Barrow, whilst another felt that there could be more.
- 6.3.25 It was stated that the representatives feel safe using both hackney carriage and private hire vehicles, although one representative did not feel safe whilst waiting at ranks.
- 6.3.26 One representative felt that taxis complement other types of public transport well in Barrow and that there should not be a restriction of the amount of hackney carriage licences.

Town Centre Management

- 6.3.27 The representative from Barrow's Town Centre Management felt that there is generally an adequate supply of hackney carriages during the early morning peak there is a limited supply across all areas of Barrow.
- 6.3.28 The representative felt that the image of some vehicles could be better, as could the attitudes and quality of the drivers. The representative felt that additional training for drivers should be introduced.
- 6.3.29 It was felt that additional wheelchair accessible taxis are needed in Barrow as it is difficult to pre-book one.
- 6.3.30 The representative felt that there is insufficient advertising of both hackney carriage and private hire services in Barrow. The respondent suggested that leaflets should be available in tourist information centres and other outlets.
- 6.3.31 With regard to transport integration, the representative felt that the taxis in Barrow are good at complementing other types of public transport as they are aware of the need to allow time for passengers to catch timetabled services.
- 6.3.32 The representative felt that more taxis are required at peak times, especially during the school runs.

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7

Summary and Conclusions

7.1

Introduction

7.1.1

Halcrow has conducted a study of the hackney carriage market on behalf of Barrow Borough Council. Halcrow has the benefit of over 18 year's experience of research in the taxi market.

7.1.2

The present study has been conducted in pursuit of the following objectives:

- to identify whether or not there exists a significant unmet demand for hackney carriage services in Barrow; and
- to recommend the increase in licences required to eliminate any significant unmet demand.

7.2

Significant Unmet Demand – Patent and Latent

7.2.1

The 2008 study has identified that there is NO evidence of significant unmet demand for hackney carriages in Barrow. 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.

7.2.2

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

- continue to limit the number of vehicles at 152;
- issue any number of additional plates as it sees fit, either in one allocation or a series of allocations; or
- remove the limit on the number of vehicles and allow a free entry policy.

7.3

Public Consultation - Summary

7.3.1

Key results from the Public Attitude Survey can be summarised as:

- Over half of hirings are by telephone;
- High levels of satisfaction with delay on last trip – Rank hirings provide the highest level of satisfaction;
- Some 37.1% of respondents had given up trying to obtain a vehicle by rank or flagdown;
- Some 57.7% of respondents feel that taxi services in Barrow could be improved (need to be cheaper);

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- Majority of respondents (99.8%) felt safe using taxis during the day; and
- Some 12% of respondents felt unsafe using taxis at night.

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