

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

TAXI SURVEY

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to provide information to members to enable them to consider whether they wish to commission a further survey in relation to whether there is unmet demand for taxis within the local authority area.

2.0 RECOMMENDATIONS

- 2.1 Members are asked to note the contents of this report.
- 2.2 Members are asked to consider whether they wish to (a) commission a new taxi survey to ascertain whether there is currently any significant unmet demand for taxis or (b) continue to have regard to the existing Taxi Surveys at hearings for taxi operator licences, and consider at a later date whether new reports are required where circumstances have changed to a material degree.
- 2.3 Members are asked to agree that no further survey be carried out in respect of private hire cars at this time as the last surveys concluded that there was not an over provision of private hire cars as a whole.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

TAXI CAR SURVEY

3.0 INTRODUCTION

- 3.1 The purpose of this report is to ask members whether they wish to commission a further survey in relation to whether there is unmet demand for taxis within the local authority area.

4.0 RECOMMENDATIONS

- 4.1 Members are asked to note the contents of this report.
- 4.2 Members are asked to consider whether they wish to (a) commission a new taxi survey to ascertain whether there is currently any significant unmet demand for taxis or (b) continue to have regard to the existing Taxi Surveys at hearings for taxi operator licences, and consider at a later date whether new reports are required where circumstances have changed to a material degree.
- 4.3 Members are asked to agree that no further survey be carried out in respect of private hire cars at this time as the last surveys concluded that there was not an over provision of private hire cars as a whole.

5.0 DETAILS

- 5.1 Section 10(3) of the *Civic Government (Scotland) Act 1982* deals with taxi licences and provides that the grant of a taxi licence may be refused by a licensing authority for the purpose of limiting the number of taxis in respect of which licences are granted if, but only if, they are satisfied that there is no significant demand for the services of taxis in their area which is unmet.
- 5.2 In carrying out this test to ascertain whether there is significant unmet demand in respect to the Bute and Cowal, Helensburgh and Lomond, Oban, Lorn and the Isles and Mid Argyll, Kintyre and Islay areas, the Planning, Protective Services and Licensing Committee currently refer to surveys carried out in 2019 in relation to those respective taxi zones.

5.3 Members at their meeting on 18th October 2023 requested that Officers investigate whether or not it would be appropriate at this time to refresh the 2019 survey and bring back a report to the Committee before the end of the year to advise on the outcome of this investigation.

5.4 The Scottish Government in the most recent edition of their best practice guidance for local licensing authorities and taxi and private hire car operators on the licensing of taxis and private hire cars and their drivers issued on 31st May 2023 states *the legal provision on quantity restrictions for taxis is set out in section 10(3) of the 1982 Act. This provides that:*

...the grant of a taxi licence may be refused by a licensing authority for the purpose of limiting the number of taxis in respect of which licences are granted by them if, but only if, they are satisfied that there is no significant demand for the services of taxis in their area which is unmet.

5.53 Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the licensing authority concerned would be required to establish to the satisfaction of the court that it had first satisfied itself that there was no such significant unmet demand.

5.54 The Scottish Government is of the view that decisions as to the case for limiting taxi licences should remain a matter for licensing authorities in the light of local circumstances. Licensing authorities that presently restrict numbers of taxi licences are, however, encouraged to periodically review this policy and to examine the wider policy direction.

5.55 Licensing authorities in reviewing their policy with regard to quantity restrictions on taxi licences should consider whether any restriction presently in place should continue. The matter should be approached in terms of the interests of taxi users. What benefit is achieved for them by the continuation of controls and how might they benefit if the controls were removed? Is there evidence that removal of the controls would result in a clear and unambiguous deterioration in the amount or quality of taxi service provision? Authorities in assessing the case for quantity restrictions will wish also to have regard to the availability of an appropriate supply of accessible vehicles within the hire car fleet such as to meet the needs of passengers with a disability.

5.57 The Scottish Government agrees that the question of the restriction of licences should be left to the discretion of licensing authorities. However, there is a need for review of the frequency and component parts of the surveys used by licensing authorities to measure unmet demand. In regard to frequency, licensing authorities should carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court.

The English guidance issued in 2010 refers to their policy being reviewed every 3 years.

5.5 Since publication of the respective surveys, carried out in 2019 there have not been any significant changes to circumstances, population or taxi numbers in any of the taxi zones. The numbers of licences held in each area and the number held at the commission of the survey in 2019 are as follows:-

2023 Figures

Oban, Lorn and the Isles – 48
Bute & Cowal – 54
Helensburgh & Lomond – 51
Mid Argyll, Kintyre & Islay – 22
TOTAL = 175

2019 Figures

Oban, Lorn and the Isles - 52
Bute & Cowal - 57
Helensburgh & Lomond - 48
Mid Argyll, Kintyre & Islay - 23
TOTAL = 180

There were 5 more licensed taxis in 2019 than at present.

The variation in population recorded in the 2019 surveys (NRS 2017 Mid-Year Estimates) compared to the most up to date information is as follows:-

2021 Figures

Oban, Lorn and the Isles - 20,008
Bute & Cowal – 20,346
Helensburgh & Lomond - 25, 834
Mid Argyll, Kintyre & Islay – 20,032
TOTAL = 86,220

2019 Figures

Oban, Lorn and the Isles – 19,996
Bute & Cowal – 20,473
Helensburgh & Lomond – 26,164
Mid Argyll, Kintyre & Islay – 20,177
TOTAL = 86,810

- 5.6 Members are requested to consider whether, in the current circumstances they wish to commission a further survey in relation to whether there is unmet demand for taxis within the local authority area.
- 5.7 It is not proposed that a further survey be carried out in respect of private hire cars as the last surveys concluded that there was not an over provision of private hire cars as a whole.

6. CONCLUSION

- 6.1 As the current survey is now 4 years old members may wish to consider commissioning a further survey / or members may wish to continue to have regard to the existing Taxi Surveys at hearings for taxi operator licences, and consider at a later date whether new reports are required at such a time where circumstances have changed to a material degree.

7. IMPLICATIONS

- 7.1 Policy - No changes are proposed at this time.
- 7.2 Financial - The Council will need to fund the cost of a further survey.

7.3 Legal - The Council require to comply with the terms of the Civic Government (Scotland) Act 1982.

7.4 HR – None

7.5. Fairer Scotland Duty:

7.5.1 Equalities – Protected Characteristics - None

7.5.2 Socio Economic Duty - None

7.5.3 Islands – None

7.6 Risks - There is a risk of challenge to any decision in relation to the granting of taxi licences.

7.7 Customer Service – None

7.8 Climate Change - None

Douglas Hendry, Executive Director with responsibility for Legal and Regulatory Support

Policy Lead: Councillor Kieron Green

12th December 2023

For further information contact: Sheila MacFadyen, telephone 01546 604265.