

## **Minutes of the Regulatory Committee**

**24 October 2024**

**-: Present :-**

Councillor Barbara Lewis (Chairwoman)

Councillors Amil, Douglas-Dunbar, Johns, Pentney, Virdee, Chris Lewis and Tolchard

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### **3. Apologies**

Apologies for absence was received from Councillors Brook and Bryant.

It was reported that, in accordance with the wishes of the Conservative Group, the membership of the Committee had been amended for this meeting by including Councillor Chris Lewis instead of Councillor Hutchings and Councillor Tolchard instead of Councillor Foster.

### **4. Minutes**

The Minutes of the meeting of the Regulatory Committee held on 18 July 2024 were confirmed as a correct record and signed by the Chairwoman.

### **5. Results of the Unmet Demand Study of Taxis in Torbay 2023 and the second public consultation in 2024**

The Regulatory Services Manager presented the submitted report which set out the results of an Unmet Demand Survey commissioned by Torbay Council in 2023 and the second public consultation commissioned by Torbay Council and completed in August 2024.

Members were advised that at the Regulatory Committee on 18 July 2024, Members requested the Divisional Director of Community and Customer Services be asked to arrange a further consultation upon the option of an additional 17 Hackney Carriage vehicle licences, with a further test of level of service to be undertaken within 6 months of all the additional licences being issued.

Furthermore, an additional clarification report was also requested from the representative of the Licensed Survey Vehicle & Assessment (LVSA) to explore the impact on the suggested tranche of 20 extra plates and whether this was likely to remove the significant unmet demand.

The Regulatory Services Manager requested Members to consider the additional clarification report, and the results of the 6 week public consultation carried out in August 2024. Members also received a presentation from Mr Ian Millership from the LVSA who set out the additional clarification report and responded to questions from Members.

Representations were also received from Mr Ray Hall from Torbay Licensed Taxi Association and Jacqui Nickels from Torbay United Licensed Drivers Association.

Resolved:

That the current numerical limit be increased to 189 Hackney Carriage Vehicles, with a further unmet demand survey being undertaken within six months of plate number 189 being issued at a cost to the trade and at a time which is comparable to the survey period before them, to ensure that a future Regulatory Committee can determine accurately, whether there remains an unmet demand.

In addition, Members determined that there shall be a Policy change, to reflect the numerical limit increase to 189 Hackney Carriage Vehicles.

Reasons:

Having carefully considered the reports, consultation responses and oral representations, Members unanimously agreed on the evidence before them, that there was a significant unmet demand in Torbay.

Members noted that there were a number of factors that may have contributed to the current significant unmet demand and whilst there are measures in place to address some of these, such as improved engagement between the Licensing Authority and the trade, identifying suitable, adequate, and accessible rank locations arising out of Torbay Council's regeneration plans within Torquay and Paignton, and noting that there has been progress on other factors identified by the trade as a cause, such as financial incentives to work late and early morning hours to service the night time economy and partnership work between the trade, Torbay Council, and Devon and Cornwall Police around customer and drivers safety, there remains an extremely high level of significant unmet demand which requires steps to improve customer satisfaction and in turn and importantly, reduce vulnerability and increase the safety of users, especially in the evenings and early hours of the morning.

Having regard to the Department for Transport (DfT) Best Practice Guidance which advises that most licensing authorities do not impose quantity restrictions and that this is regarded by DfT as best practice, and the Competition and Markets Authority's (CMA) clear guidance in 2017, on the Regulations of Taxi's and Private Hire Vehicles, in understanding the impact of competition that quantity restrictions are not necessary to ensure the safety of passengers, or to ensure that fares are reasonable and that they can harm passengers by reducing availability, increasing waiting times and reducing the scope for downward competitive pressure on fares, and that both the CMA and the DfT have claimed that increased competition would reduce fares for passengers and improve availability, and reduce waiting times, Members gave careful consideration to delimitation of Hackney Carriage Vehicles in Torbay.

However, in consideration of that put forward by the trade as to reasons why there should remain a numerical limit and their support of the number increase as set out in the Licensed Survey Vehicle & Assessment report and that put forward orally by the author of the report who undertook the Torbay Unmet Taxi Demand Survey on behalf of Torbay Council, and hearing from the author himself that a staggered increase in Hackney Carriage Vehicles is a proportionate solution to the current significant unmet demand, and his confidence that adding a further 20 plates at this time will reduce the unmet demand in Torbay and to do so to a noticeable degree, Members unanimously agreed to a staggered increase. However, Members remained concerned that the author was not able to give them any guarantee that an additional 20 plates would reduce the unmet demand, noting his submission that there were varying factors which were beyond the control of anyone other than those who had been issued a Hackney Carriage Vehicle licence, and only they themselves could service this demand more effectively, reduce waiting times and improve customer satisfaction.

In coming to their unanimous decision to support a staggered increase, to that of 189 issued Hackney Carriage Vehicles, noting that there is no provision afforded to them to specify the days and times these newly issued plates would operate, Members determined and wanted it noted, that in their opinion, it must be incumbent on the trade to step up and provide a required and effective service to meet the unmet demand, if they do not want delimitation of Hackney Carriage Vehicles to be determined by a future Regulatory Committee.

To ensure that that the increased number of issued Hackney Carriage Vehicles achieved the intended reduction in the level of unmet demand in Torbay to a noticeable degree, and bought the index of significance of unmet demand calculation to value cut off figure of 80 or lower, Members unanimously determined that a further Unmet Taxi Demand Survey be carried out at a cost to the trade, within six months of Hackney Carriage Vehicle 189 being issued and at a time which is comparable to the survey period before them, to ensure that a future Regulatory Committee can determine accurately, whether there remains an unmet demand.

In concluding, Members determined that it was reasonable to set a period of six months for a further survey to be undertaken, as in their opinion, this was the shortest period for the effect of the increase in Hackney Carriage Vehicles to be realised, would enable the trade to step up and realise the benefits of the incentivised fare increase and encourage greater provision at times where the demand is reported to significantly unmet, allows those improved relationships between the trade, Licensing Authority and the Police, especially around driver and user safety to bed in and develop further, and it is hoped, that plans arising out of Torbay Council's regeneration programme will be further developed, to allow for necessary consultations which identify suitable, adequate, and accessible rank locations.

Chairman/woman

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