Torbay Council

Unmet taxi demand survey

November 2023

Executive Summary

This report title has been undertaken on behalf of Torbay Council following the guidance of the April 2010 DfT Best Practice Guidance document, and all relevant case history in regard to unmet demand. This Executive Summary draws together key points from the main report that are needed to allow a committee to determine from the facts presented their current position in regard to the policy of limiting hackney carriage vehicle licences according to Section 16 of the 1985 Transport Act. It is a summary of the main report which follows and should not be relied upon solely to justify any decisions of a committee but must be read in conjunction with the full report below.

This study finds that the limit on vehicle numbers continues to provide stability and vehicle retention in the hackney carriage element of the fleet. However, despite passenger demand remaining relatively stable, levels of unmet demand have grown across the area to levels that are now very clearly significant. The conclusion in the previous study that it was principally the geographic split and the extra permit needed at Paignton that were pushing unmet demand in Paignton and Brixham whilst Torbay seemed to be performing relatively well can no longer be held. It is true that there is some evidence of marginal improvement in Brixham, but this is within the picture that there is significant unmet demand across the area and across time periods.

In essence, the index is demonstrating there is no longer a level of service to customers that is appropriate. This seems to arise from changes in how vehicles and particularly their drivers are working. Many now prioritise towards family commitments and find they can earn sufficient to not need to work periods they find customers difficult in. Although there were five plates not active due to changes of ownership at the time of the survey, there was other evidence that many others now no longer service ranks at all such that the present fleet was no longer able to meet the same level of passenger demand.

There is positive evidence that the public are generally happy to wait longer periods but this should not be allowed to continue for the overall health of the hackney carriage industry. There is evidence that the livery policy helps people be sure what a hackney carriage is and also that the use of marshals is ensuring more vehicles are active than might otherwise be the case at busy times when there might otherwise be even less willingness of drivers to service demand.

The report suggests a range of options. However, do nothing is no longer possible as it is clear the public deserve and need better service.

These options are discussed in the Recommendations Chapter in detail and give Councillors a range of reaction to seek to remediate the observed unmet demand in an appropriate manner. This all has to be within the confines of the legal options available, as well as within practicality and reasonableness bounds.

Contents

1 General introduction and background

Torbay Council is responsible for the licensing of hackney carriage and private hire vehicles operating within the Council area and is the licensing authority for this complete area. Further details of the local application of Section 16 of the 1985 Transport Act with regard to limiting hackney carriage vehicle numbers is provided in further Chapters of this report. Hackney carriage vehicle licences are the only part of licensing where such a stipulation occurs and there is no legal means by which either private hire vehicle numbers, private hire or hackney carriage driver numbers, or the number of private hire operators can be limited.

The Best Practice Guidance

This review of current policy is based on the Best Practice Guidance produced by the Department for Transport in April 2010 (BPG). It seeks to provide information to the licensing authority to meet section 16 of the Transport Act 1985 "that the grant of a hackney carriage vehicle licence may be refused if, but only if, the licensing authority is satisfied that there is no significant demand for the services of hackney carriages within its local area, which is unmet." This terminology is typically shortened to "no SUD".

Background

Current hackney carriage, private hire and operator licensing is undertaken within the legal frameworks first set by the Town Polices Clause Act 1847 (TPCA), amended and supplemented by various following legislation including the Transport Act 1985, Section 16 in regard to hackney carriage vehicle limits, and by the Local Government Miscellaneous Provisions Act 1976 with reference to private hire vehicles and operations. This latter Act saw application of regulation to the then growing private hire sector which had not been previously part of the TPCA. Many of the aspects of these laws have been tested and refined by other more recent legislation and more importantly through case law.

Beyond legislation, the experience of the person in the street tends to see both hackney carriage and private hire vehicles as 'taxis' – a term we will try for the sake of clarity to use only in its generic sense within the report. We will use the term 'licensed vehicle' to refer to both hackney carriage and private hire. The formal DfT stance is to term its documents using 'taxi' for hackney carriage, with private hire termed separately and hackney carriage rarely used.

Review of Policy and Legislation

The legislation around licensed vehicles and their drivers has been the subject of many attempts at review. The limiting of hackney carriage vehicle numbers has been a particular concern as it is often considered to be a restrictive practice and against natural economic trends. The current BPG in fact says "most local licensing authorities do not impose quantity restrictions, the Department regards that as best practice".

The most recent reviews were by the Office of Fair Trading in 2003, through the production of the BPG in 2010, the Law Commission review which published its results in 2014, the Parliamentary Task and Finish Group which reported in September 2018, the Government Response in February 2019 and the consultation on "Protecting Users" which closed on 22 April 2019 that then resulted in issue of the "Statutory Taxi and Private Hire Vehicle Standards" (STPHVS) on 23rd July 2020. A fully revised Best Practice Guidance document draft was issued and consulted on during 2022 but despite its final issue being noted as 'imminent' for some while, nothing had been issued by the time of issue of this Report, and certainly all work undertaken was consistent with the previous BPG at the time it was undertaken.

None of these previous changes resulted in any material change to the legislation involved in licensing. Other groups have provided their comments (including the Urban Transport Group and the Competition and Markets Authority) but the upshot remains no change in legislation from that already stated above.

With respect to the principal subject of this survey, local authorities retain the right to restrict the number of hackney carriage vehicle licenses. The Law Commission conclusion included retention of the power to limit hackney carriage vehicle numbers but utilizing a public interest test determined by the Secretary of State. It also suggested the three- year horizon also be used for rank reviews and accessibility reviews. It is assumed the Government response to the Task and Finish Group is now effectively the current reaction to this extensive research. There was no mention of this topic in the STPHVS although that document did discuss wider review of the overall BPG document in the next consultation (see below).

Current Government Policy review status

To reiterate, it is also understood that the revisions resulting from the recently closed Government Consultation will eventually lead to a more comprehensive review of the sections of the BPG not affected by the February 2019 Statutory Guide, as stated in para 1.8 of that document – "A consultation on revised BPG, which focusses on recommendations to licensing authorities to assist them in setting appropriate standards (other than those relating to passenger safety) to enable the provision of services the public demand, will be taken forward once the final Statutory Guidance has been issued." STPHVS suggests this wider BPG review will involve a consultation 'later this year (2020) confirming the aim of making "clear recommendations on the measures licensing authorities should consider in order to enable the trade to react to the demands of passengers". This means the April 2010 BPG remained valid for our review even though the new BPG was issued on 17th November 2023 (but has relatively little difference in regard to demand surveys).

The present background to policy

A more recent restriction, often applied to areas where there is no 'quantity' control felt to exist per-se, is that of 'quality control'. This is often a pseudonym for a restriction that any new hackney carriage vehicle licence must be for a wheel chair accessible vehicle, of various kinds as determined locally. In many places this implies a restricted number of saloon style hackney carriage licences are available, which often are given 'grandfather' rights to remain as saloon style.

Within this quality restriction, there are various levels of strength of the types of vehicles allowed. The tightest restriction, now only retained by a few authorities only allows 'London' style wheel chair accessible vehicles, restricted to those with a 25-foot turning circle, and at the present time principally the LTI Tx, the Mercedes Vito special edition with steerable rear axle, and the Metrocab (no longer produced).

Others allow a wider range of van style conversions in their wheel chair accessible fleet, whilst some go as far as also allowing rear-loading conversions. Given the additional price of these vehicles, this often implies a restriction on entry to the hackney carriage trade. For some, this is complicated by local education authority rules on vehicles used on their contracts.

Some authorities do not allow vehicles which appear to be hackney carriage, i.e. mainly the London style vehicles, to be within the private hire fleet, whilst others do allow wheel chair vehicles.

The most usual method of distinguishing between hackney carriages and private hire is a 'Taxi' roof sign on the vehicle, although again some areas do allow roof signs on private hire as long as they do not say 'Taxi', some turn those signs at right angles, whilst others apply liveries, mainly to hackney carriage fleets, but sometimes also to private hire fleets.

Some authorities have also considered use of deregulation in favour of more sustainable vehicle types as a further potential quality restriction given the urgent need to improve overall vehicle emission standards, but the status of charging points and public views regarding electrification in general are not as favourable now, particularly with reduced government subsidy.

Unmet demand and its significance

After introduction of the 1985 Transport Act, Leeds University Institute for Transport Studies developed a tool by which unmet demand could be evaluated and a determination made if this was significant or not. The tool was taken forward and developed as more studies were undertaken. Over time this 'index of significance of unmet demand' (ISUD) became accepted as an industry standard tool to be used for this purpose. Some revisions have been made following the few but specific court cases where various parties have challenged the policy of retaining a limit.

Some of the application has differed between Scottish and English authority's. This is mainly due to some court cases in Scotland taking interpretation of the duty of the licensing authority further than is usual in England and Wales, requiring current knowledge of the status of unmet demand at all times, rather than just at the snap-shot taken every three years. However, the three-year survey horizon has become generally accepted given the advice of the BPG and most locations that review regularly do within that timescale.

The DfT asked in writing in 2004 for all licensing authorities with quantity restrictions to review them, publish their justification by March 2005, and then review at least every three years since then. The reaction of many authorities to that request was to remove limits. In due course, DfT produced a summary of the government guidance which was last updated in England and Wales in 2010 (but more recently in Scotland).

The BPG in 2010 also provided additional suggestions of how these surveys should be undertaken, albeit in general but fairly extensive terms. A key encouragement within the BPG is that "an interval of three years is commonly regarded as the maximum reasonable period between surveys". BPG suggests key points in consideration are passenger waiting times at ranks, for street hailings and telephone bookings, latent and peaked demand, wide consultation and publication of "all the evidence gathered".

The latest STPHVS required an update given to the DfT by the end of January 2021 in terms of consideration of the measures included in that document, principally production of a comprehensive policy document, review of if CCTV might be mandated and documentation of passenger complaints but it is not clear if DfT have actually reviewed this.

Case law and unmet demand

In respect to case law impinging on unmet demand, the two most recent cases were in 1987 and 2002. The first case (R v Great Yarmouth) concluded authorities must consider the view of significant unmet demand as a whole, not condescending to detailed consideration of the position in every limited area, i.e. to consider significance of unmet demand over the area as a whole.

R v Castle Point considered the issue of latent, or preferably termed, suppressed demand consideration. This clarified that this element relates only to the element which is measurable. Measurable suppressed demand includes inappropriately met demand (taken by private hire vehicles in situations legally hackney carriage opportunities) or those forced to use less satisfactory methods to get home (principally walking, i.e. those observed to walk away from rank locations).

2019 saw three challenges with respect to surveys of unmet demand. All three found in favour of the current methodology being undertaken. A key focus was the need for a robust and up to date independent survey report being available.

In one case it was made clear the current guidance is based on the 2010 BPG, which supercedes previous notes and DfT advice, whilst in another case having a valid survey meant those challenging had no case for their proposed challenge, and in the final case an authority was clearly told they could not rely on a very old survey which itself could not be produced. In the end a fresh survey was undertaken, finding no unmet demand.

Most recent changes relating to demand

The most recent changes in legislation regarding licensed vehicles have been enactment of the parts of the Equality Act related to guidance dogs (sections 168 to 171, enacted in October 2010), the two clauses of the Deregulation Act which were successful in proceeding, relating to length of period each license covers and to allowing operators to transfer work across borders (enacted in October 2015), and most recently enactment of Sections 165 and 167 of the Equality Act, albeit on a permissive basis (see below).

In November 2016, the DfT undertook a consultation regarding enacting Sections 167 and 165 of the Equality Act. These allow for all vehicles capable of carrying a wheel chair to be placed on a list by the local council (section 167). Any driver using a vehicle on this list then has a duty under section 165 to:

- Carry the passenger while in the wheel chair
- Not make any additional charge for doing so
- If the passenger chooses to sit in a passenger seat to carry the wheel chair
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- To give the passenger such mobility assistance as is reasonably required

This was enacted from April 2017. There remains no confirmation of any timetable for instigating either the remainder of the Equality Act or the Law Commission recommendations, or for the adoption of the update of the BPG.

The two 2022 Acts make small but significant changes. The 2022 Acts are the "Taxis and Private Hire Vehicles (Safeguarding and Road Safety Act) (31 March 2022)" and the "Taxis and Private Hire Vehicles (Disabled Persons) (28 June 2022)".

The first makes it mandatory for any licensing authority in England that has information about a taxi (hackney carriage) or private hire vehicle (phv) driver licensed by another authority that is relevant to safeguarding or road safety concerns in its area to share that information with the authority that issued that drivers licence.

The second amends the Equality Act 2010 to place duties on taxi and phv drivers and operators such that any disabled person has specific rights and protections to be transported and receive assistance when using a taxi or phv without being charged extra for doing so.

Regard has also been had to the Statutory Taxi and Private Standards July 2020 which were published on 21 July 2020 and represented a milestone in transportation regulation, because for the first time the safeguarding of children and vulnerable people were put right at the heart of the taxi licensing system. This publication also noted that a more complete review of all sections of the 2010 Best Practice Guidance would occur in due course and consultation on a draft of this new document ran from March to June 2022.

The current status regarding unmet demand studies

In general, industry standards suggest (but specifically do not mandate in any way) that the determination of conclusions about significance of unmet demand should take into account the practicability of improving the standard of service through the increase of supply of vehicles.

It is also felt important to have consistent treatment of authorities as well as for the same authority over time, although apart from the general guidance of the BPG there is no clear stipulations as to what this means in reality, and certainly no mandatory nor significant court guidance in this regard.

During September 2018 the All-Party Parliamentary Group on taxis produced its long-awaited Final Report. There was a generally accepted call for revision to taxi licensing legislation and practice, including encouragement for local authorities to move towards some of the practical suggestions made within the Report. However, the Report has no legislative backing and the key conclusion was that the Government needed to act firstly to revise the 2010 BPG but then to move to revisions to primary legislation as soon as practicable.

Despite some opposition from members of the group, the right to retain limits on hackney carriage vehicle numbers was supported, with many also supporting adding a tool which would allow private hire numbers to be limited where appropriate, given reasonable explanation of the expected public interest gains. This latter option is now being taken forward in Scotland, with two studies published and the Scottish Government preparing guidance, although the Government response did not support this option.

As already stated, other groups have provided comments giving their views about licensing matters but the upshot remains no change in legislation from that already stated above. The Scottish Government are moving forward in terms of their application of the potential limiting of private hire vehicle numbers but this is specific to Scottish law and not presently relevant to the English licensing authorities.

A number of authorities have recently changed and become unitary authorities. This has led to a number of former 'limited' areas now becoming a larger single area and losing their limit on vehicle numbers. However, the overall proportion of authorities with limits appears to remaining similar.

Conclusions

In conclusion, the present legislation in England and Wales sees public fare-paying passenger carrying vehicles firstly split by passenger capacity. All vehicles able to carry nine or more passengers are dealt with under national public service vehicle licensing. Local licensing authorities only have jurisdiction over vehicles carrying eight or less passengers.

Further, the jurisdiction focusses on the vehicles, drivers and operators but rarely extends to the physical infrastructure these use (principally ranks).

The vehicles are split between hackney carriages which are alone able to wait at ranks or pick up people in the streets without a booking, and private hire who can only be used with a booking made through an operator. If any passenger uses a private hire vehicle without such a properly made booking, they are not generally considered to be insured for their journey.

Drivers can either be split between ability to drive either hackney carriage or private hire, or be 'dual', allowed to drive either kind of vehicle. Whilst a private hire driver can only take bookings via an operator, with the 'triple-lock' applying that the vehicle, driver and operator must all be with the same authority, a hackney carriage driver can accept bookings on-street or by phone without the same stipulation required for private hire.

Recent legislation needing clarification has some operators believing they can use vehicles from any authority as long as they are legally licensed as private hire. At first, under the 'Stockton' case, this was hackney carriages operating as private hire in other areas (cross-border hiring). More recently, under the Deregulation Act, private hire companies are able to subcontract bookings to other companies in other areas if they are unable to fulfil their booking, but the interpretation of this has become quite wide.

The 'triple lock' licensing rule has also become accepted. A vehicle, driver and operator must all be under the same licensing authority to provide full protection to the passenger. However, it is also accepted that a customer can call any private hire company anywhere to provide their transport although many would not realise that if there was an issue it would be hard for a local authority to follow this up unless the triple lock was in place by the vehicle used and was for the area the customer contacted licensing.

Further, introduction of recent methods of obtaining vehicles, principally using 'apps' on mobile phones have also led to confusion as to how 'apps' usage sits with present legislation.

All these matters can impact on hackney carriage services, their usage, and therefore on unmet demand and its significance.

Coronavirus

For the record (repeated below), for the last survey the ‘main’ rank observations (and associated on-street interviews) were undertaken from Thursday 10th September 2020 to the early hours of Sunday 13th September 2020 (before the curfew) whilst the ‘off season’ observations on the Saturday were on 24th October when the curfew was in place. By the time this survey was undertaken, the pandemic was effectively over and although flare-ups are expected, there is unlikely to be any further strong restrictions.

2 Local background and context

Key dates for this report title for Torbay Council are:

- appointed Licensed Vehicle Surveys and Assessment (LVSA) on 12 June 2023
- in accordance with our proposal of May 2023
- as confirmed during the inception meeting for the survey held on 15 June 2023
- this survey was carried out between June and September 2023
- On street pedestrian survey work occurred in early July 2023 (on a Tuesday or Wednesday)
- the main video rank observations occurred in late June 2023
- Licensed vehicle driver opinions and operating practices were canvassed using an electronically available and texted out survey during July 2023
- Key stakeholders were consulted throughout the period of the survey
- A draft of this Final Report was reviewed by the client in late September 2023
- and reported to the appropriate Council committee following acceptance by the client.

Torbay Council is a unitary authority in the South West of England. The authority has a current population of 139,300 from the initial results for the 2021 census for 2021, 2% more than the 137,064 using the 2020 estimates currently available from the 2011 census, 2016 revision, which was itself just over 1% higher than at the time of the last survey. Of the current total who are 15 or over, 48% were male and 52% female (same as in 2020), 17% were 15-30, 34% (33%) were 31-55 and 49% (50%) were over 55.

In terms of background council policy, Torbay Council, being a unitary authority, has full transport policy and highway powers alongside its licensing function. This means that ranks are provided within the same authority, albeit by a separate section of the Council, and that overall transport policy is also set within the Council.

The Devon and Torbay Local Transport Plan 2011-2026 (LTP) is the adopted Council transport policy document that guides all transport development. Developed over an 18-month period, it was shaped by a balance between national aims and local priorities. The latest update is the Local Transport Action Plan and the Local Cycling Walking Infrastructure Plan agreed on 20 April 2021.

The LTP is based on an Evidence Report, a Consultation Report and supported by three review documents, the Strategic Environmental Assessment, Health Impact Assessment and Equality Impact Needs Assessment. It is being implemented with close working with the Heart of the South West Local Enterprise Partnership.

The LTP vision is to offer businesses, communities and individuals safe and sustainable travel choices. It seeks to deliver a low carbon future, successful economy and prosperous, healthy population living in an attractive environment. One of five key elements is 'making best use of the transport network'. A key need is developing high quality connections and safe sustainable transport. The overarching strategy of the LTP focuses on places rather than modes. However, a further important plan item is the South Devon Link Road seeking to remove longer distance traffic from the A380.

The Torbay Strategy seeks a low-carbon sustainable transport system that contributes towards the public realm, distinct character and function of the three towns of Torquay, Brixham and Paignton. The area saw 8.5 million visitor bed nights per year and tourism increasing the population to over 200,000 in the summer months. It also has a high level of older people. The fishing industry and Sutton's Seeds are key industries in the area of national importance. Despite this, the average income per person is about 15% below the national average, with a widening economic gap between the area and the rest of Devon and the UK. Torbay has a track record of delivery, being the "Most Improved Transport Authority of the Year 2006" in the National Transport Awards of that year. However, key developments have included improved bus routes, some of which have reduced demand for licensed vehicle services, particularly on the main Torquay-Brixham axis (as noted in the previous report).

The main LTP, as is typical for many areas, makes no direct reference to licensed vehicles.

The Evidence Report has a section on licensed vehicles (Chapter 8.8). This quoted information from 2007 and compared Torbay to Blackpool, Bournemouth and Poole. It notes "With regards the Mayor's Vision and transport goals for 2026, taxis could have an increased role as part of an integrated sustainable travel package across Torbay. Longer ranks for at least six vehicles at key locations such as Torquay, Paignton and Brixham harboursides, railway stations, town centres and key tourist areas will be required." It also notes that key congestion issues mainly arise in the Summer months arising from tourist flows, and from issues with school travel.

The consultation report for the LTP reports levels of satisfaction with local licensed vehicles as 70% compared to 57% for community transport, 52% for satisfaction with local public transport information and 61% for overall satisfaction with local bus services, putting licensed vehicles in Torbay in a very good light at that time (about 2010). (Consultation Report para 3.4.10).

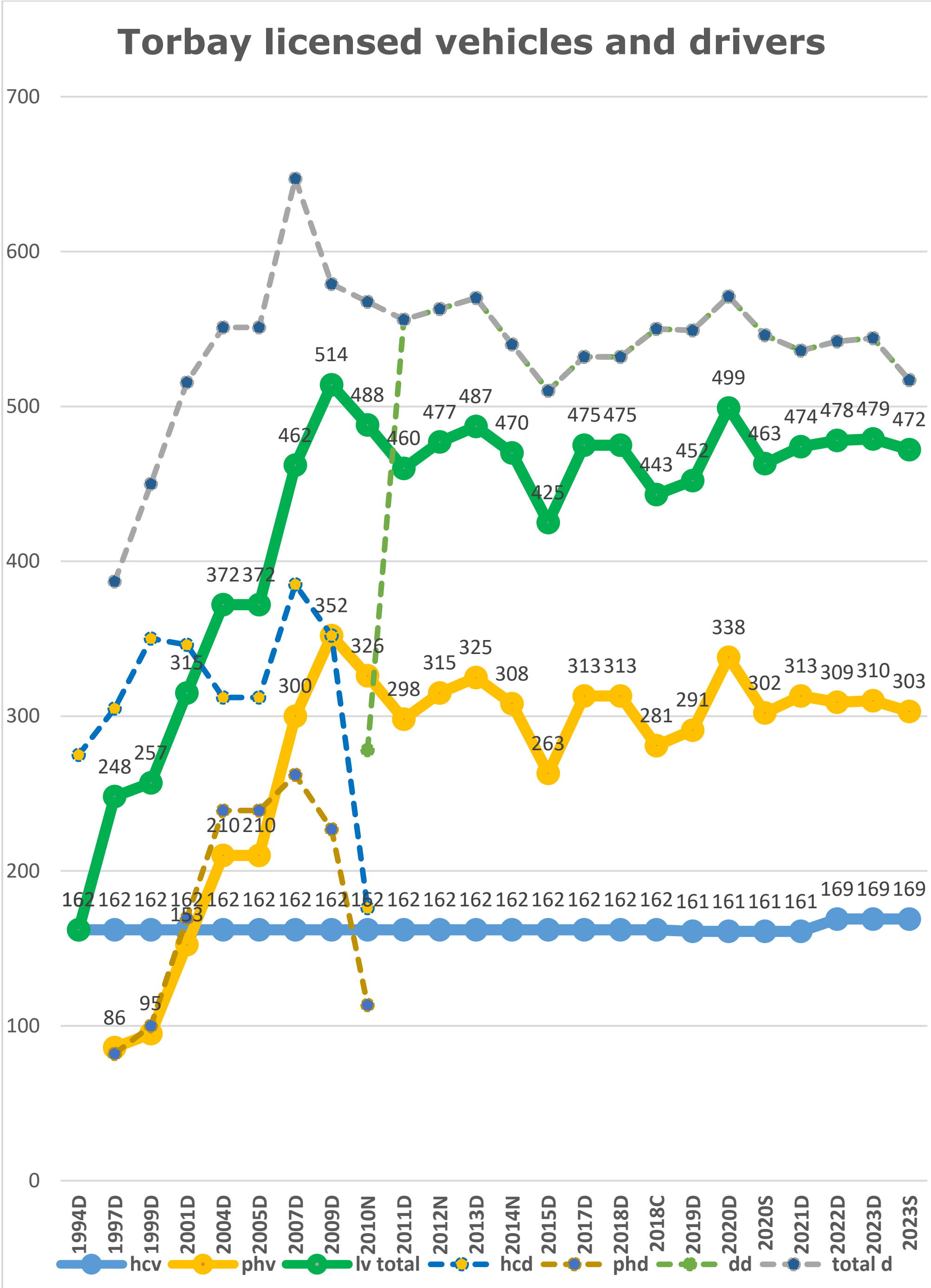
The main reference to licensed vehicles within the Torbay Council web pages is the statement at the beginning of the licensing pages "Hackney carriages and private hire vehicles are an important mode of local transport, and as such, have a specific role to play in an integrated transport system. They are able to provide safe, secure and comfortable transport, providing an on-request door-to-door service in various circumstances, including where public transport may not be available (e.g. in very rural areas), or for those with mobility difficulties.

The aim of the (Taxi) Policy is to regulate the provision of a robust taxi and private hire licensing system, which ensures that the public travel safely, receive a good level of service, and that drivers and operators are not overly burdened by unnecessary conditions.

Taxi Policy

Torbay Council has chosen to utilize its power to limit hackney carriage vehicle numbers, and as far as we are aware has done so since 1968, according to quotations from the DfT statistics.

By drawing together published statistics from both the Department for Transport (D) and the National Private Hire Association (N), supplemented by private information from the licensing authority records (C), recent trends in vehicle, driver and operator numbers can be observed. The detailed numbers supporting the picture below are provided in Appendix 1. Due to the comparative size, the operator figures are shown in the second picture.



Licensing Statistics from 1994 to date

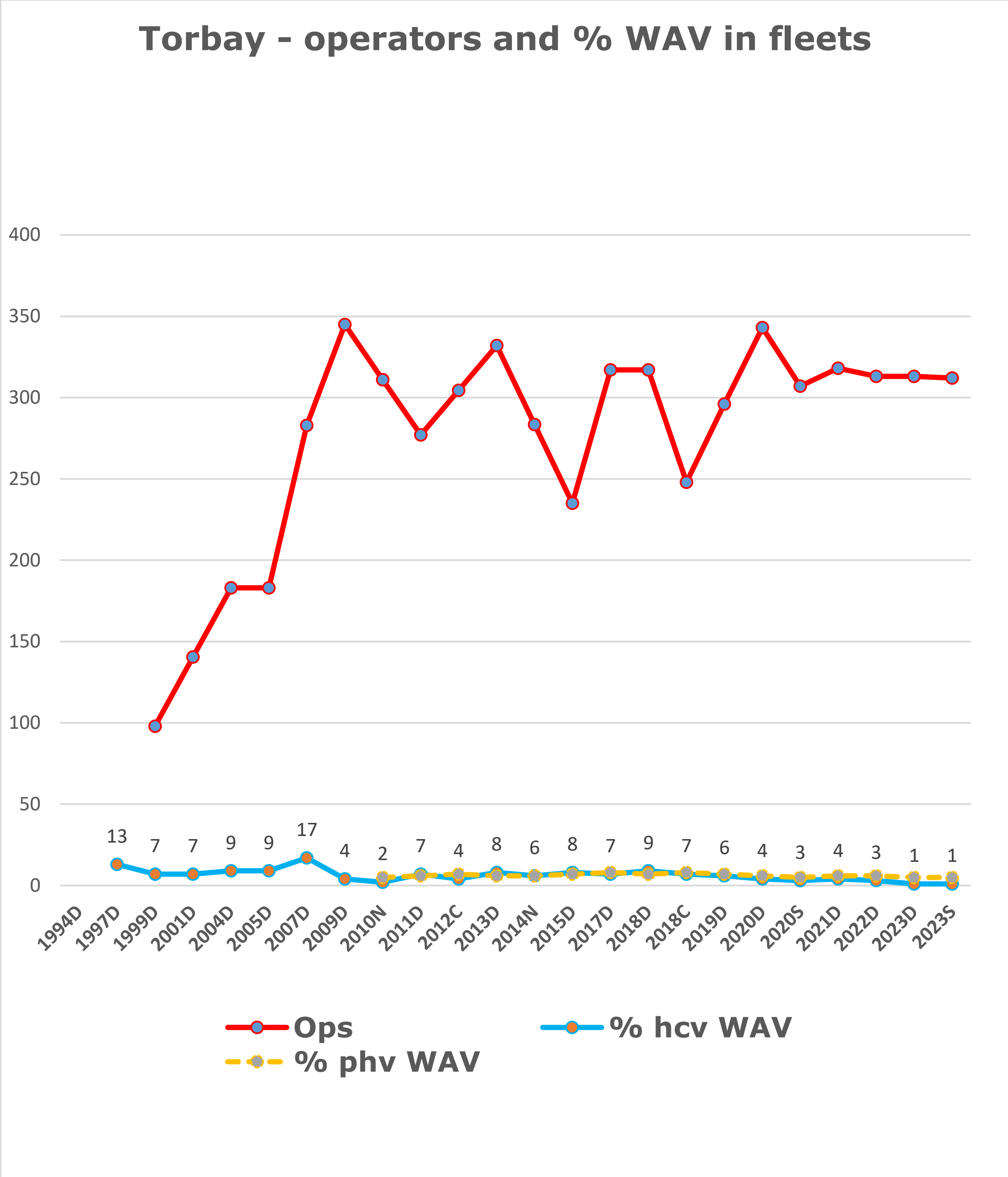
The graph shows that hackney carriage vehicle numbers have remained stable in the area for a very long period. However, the recent three hackney carriage vehicle numbers reflect the incorporation of the seasonal licences into the main stream all-year fleet.

At the same time, the number of private hire vehicle licences has been steadily reducing since the last survey, although there was a peak just before the pandemic occurred (and a relatively large drop in the first data for the pandemic period).

In terms of driver numbers, which are all now 'dual' licences with all drivers able to drive either hackney carriage or private hire according to their wish at the time of driving each day, the trend remains a steady reduction since the peak of 2007, albeit with some increase from 2015 to 2018. Total driver numbers are now about 34% higher (was 41%) than in 1997 although 40% (was 16% in 2020) less than the peak level. The gap between the total number of drivers and vehicles continues to be closing, suggesting a reduction in the number of people who would be wishing to rent a vehicle.

Information is also available from these sources to show how the level of wheel chair accessible vehicles (WAV) has varied. It must be noted that in most cases the values for the private hire side tend to be much more approximate than those on the hackney carriage side, as there is no option to mandate for private hire being wheel chair accessible. In some areas, to strengthen the ability of the public to differentiate between the two parts of the licensed vehicle trade, licensing authorities might not allow any WAV in the private hire fleet at all.

The information for levels of wheel chair accessible vehicles and number of operators is shown in the graph below:



Operator numbers and levels of WAV provision in the fleet

Like private hire vehicle numbers, the number of operators grew quickly from 1997 to its peak in 2009. This was about 3.5 times the initial level, similar to the overall level of vehicles. The general trend since then has been downward, although numbers have again varied but since the last survey, the decline has been gradual but certain.

The number of operators in Torbay is high given the following statement of policy (Policy document Chapter 16): "Any person who makes provisions for the invitation for acceptance of bookings for a private hire vehicle or a private hire service, must do so under the provision of a valid private hire operator licence…" They may also work for a company that has its own operating licence but if they intend to take any direct booking they must have their own licence. This effectively means every private hire vehicle has its own licence. Our review of the structure of the industry (below) found there were several multiple operator licences held for unknown reasons.

This means that a very high number of the operators are in fact one-man operations who can then choose to work for larger operators as suits them, providing a much more fluid private hire operating background than in many other areas. The statistics are artificially inflated by the process of allocating operators that can lead to those owning several vehicles having more than one operators' licence which is later revised to ensure no owner has more than one operator licence. In the figures used below, the number of operators on this basis is 13% higher than the real number.

In terms of wheel chair accessible vehicles, since the peak of 17% of the hackney carriage fleet as at 2007, numbers have reduced, although numbers have grown in the private hire fleet, starting from 2010. In the most recent figures (from council sources at the time of the survey), there are 5% of the private hire fleet wheel chair accessible but only 1% of the hackney carriage fleet (just two vehicles). The bulk of the private hire WAV style vehicles mainly work for one company with a specific focus on providing this demand. These proportions have fallen since the last survey, with ten less vehicles now available.

An analysis was undertaken using the consistent DfT 2023 set of licensed vehicle statistics to understand the total provision of WAV vehicles in the total licensed vehicle fleet. At that time Torbay had two WAV in the hackney carriage fleet and 15 in the private hire element of the trade. This provides 4% of the total licensed fleet of WAV format. This placed Torbay 218th out of the 267 licensing authorities in England.

However, previous research in the last survey found that Torbay had made effort to increase the WAV level of hackney carriages, with the main positive gain from increasing the age limit on such vehicles from eight to ten years (achieved by October 2013, seeing the proportion rise from 4 to 8%). In 2017 other ideas were formally discounted, and a discussion of setting a target of 20% not taken forward. Extensive and targeted research in that period did not obtain any evidence of issues of shortages of such vehicles.

The 2018 survey did not identify any concerns about the low level of provision, and on the contrary found a good level of usage of hackney carriages at ranks by those in wheel chairs in the rank observations.

A much higher level of people was identified with non-wheel chair requiring disabilities who were provided with very good assistance into vehicles by drivers. Furthermore, we identified that one company, which happens to have the bulk of the private hire WAV vehicles allied to it, is providing a high level of service to those needing a range of WAV vehicles, but principally doing this through pre-bookings, with the bulk of such being Monday to Friday daytime. They suggest that most of their customers tend not to need WAV at other times but also do try to provide vehicles, often from the hackney carriage WAV independent fleet if customers have a particular, out-of-weekday requirement.

This confirms that, although the level of WAV provision appears to be low in number, in reality the focus of those vehicles that are available on the actual needs means that the majority of requirements were well-met suggesting no need for any further action on this matter. We believe this conclusion remains correct for this latest review (see further evidence in rank chapter below).

We would therefore confirm that the level of provision and manner of provision of WAV style vehicles across the full licensed vehicle fleet in Torbay seems to be appropriate and sufficient for the bulk of current need, and that this statement from the previous survey remains correct. The issue of out of weekday hour service, and the issue that there are several vehicles that appear to be WAV but are not actually WAV-capable also remains.

In terms of the pandemic, the decline in WAV vehicle proportions has continued but the change is only a continuation and not an impact directly of the pandemic itself. Both fleets have seen reducing numbers of WAV style vehicles since the time of the last survey which has continued further into this survey.

Industry Structure

A detailed analysis was undertaken to identify the current industry structure behind the 169 hackney carriage vehicles, 303 private hire vehicles, 517 drivers and 312 operators licensed as involved in the industry at the time of the survey. This equates to 567 (was 602 in 2020) different persons having various licences in the licensed vehicle trade of Torbay. The total of people involved in the industry is higher as the number excludes any administrative staff who do not need any current licence.

There are a wide range of legitimate operating models for how people can be involved in the licensed vehicle industry. The simplest model is where an owner owns and drives their own vehicle. For hackney carriages, this only requires a vehicle and a driver licence. On the private hire side, any similar operation that does not want to work for an operator, also needs a private hire operators' licence. The 'triple lock' rule means that all three licences must be from the same licensing authority to be totally valid.

Traditionally, the market can be split whereby a person becomes a driver but does not own a vehicle, supported by people who own vehicles but do not drive them. In many authorities, such as Torbay, any person with a driver licence for a licensed vehicle can drive either a hackney carriage or a private hire (both vehicle types need to be licensed by Torbay).

More complex models arise based on these groupings, e.g. a person might own and drive their own vehicle but also own several other vehicles they rent out. This can often, but not always, be a family grouping (where rents might not apply).

Although there is extensive legislation and guidance regarding both hackney carriage and private hire vehicles, drivers and operators, there are a good number of practices that are not regulated, some of which impact on unmet demand and service to the public. Key ones include no specific requirement that a plate retains a vehicle attached for the length of the license issued, no way to ensure that drivers cover all needed operating hours, nor any stipulation that reserves hackney carriages to service at ranks or by hailing. In fact, one often stated benefit of hackney carriage operation is that a vehicle and its driver can operate from ranks, be hailed or take bookings, the first two items within the area both are licensed only, but the latter effectively anywhere in England (which resulted in one of the two 'cross-border' conundrums.

Torbay historically had a small sub-set of hackney carriage plates only issued for the first six months of the licensing year. This was the only such example in England and was discontinued after the last survey.

To confirm, at the time of the rank survey work, when the database was summarised, there were 169 hackney carriage vehicles licensed, 303 (was 307) private hire vehicles, 517 (was 543) drivers and 312 (was 234) distinct operators.

The largest groups are the individuals who also own a single vehicle (and for the private hire element are also operators). There are 96 (was 61) single hackney carriage owner drivers and 187 (was 201) single private hire owner driver operators. There is nothing to prevent these vehicles having either supplementary drivers or being rented if the owner does not wish to drive them. Others own more than one vehicle. Where a person owns both a hackney carriage and a private hire it has been assumed for these purposes that they would choose to drive the hackney carriage.

On this basis, the figures imply that 49 hackney carriage vehicles (29% of the fleet) and 99 private hire vehicles (33% of the fleet) must be directly available to the public only if rented, a total of 148 vehicles.

There are 173 (was 240) individuals who are only drivers and must therefore rent a vehicle to be active in the trade (some 31% of all drivers). This is marginally higher than the number of vehicles directly available (148) suggesting some owner drivers may also rent, or that some drivers hold a licence but may not use it.

As already stated, whilst some authorities ask for record to be provided of company allegiances, this is not a legal requirement and is generally left to the market and individuals to determine. In Torbay, one relatively unique arrangement is that any private hire vehicle owner is encouraged to have their own private hire operator licence to ensure any operation of the vehicle would be on a legal footing. Again, we are not aware of any other authorities that do this.

A variety of complex arrangements are in place – some owner drivers also have extra vehicles on both hackney carriage and private hire sides. A small number of vehicles are owned by people with both hackney carriages and private hire vehicles. All the seasonal vehicle plates are within arrangements including at least one other vehicle.

On the hackney carriage side, the largest owner has four vehicles, with most multiple owners having two or three. On the private hire side, the largest owner has 21 (was 19 in 2020) vehicles. Others have 18, 10, 6, 4, 3 or 2.

This suggests there is plenty of scope for people to find a way to be part of the licensed vehicle trade of Torbay in a way that suits their preferences. It does, however, imply that a good proportion of the fleet is dependent on relationships between people to operate, rather than just being the involvement of a single party. This has implications discussed later.

Limit policy and its review

Torbay undertakes regular review of its policy to limit hackney carriage vehicle numbers in line with the BPG. The previous surveys were in 2020 (September, 600 outline hours plus a test in October), 2018 (May, 300 hours), 2014 (October, 252 hours), 2011 (May, 259 hours), 2008 (November 2007, 519 hours) and 2005 (October 2004). The dates in brackets are the dates the rank survey work was undertaken. Further discussion of the rank usage results is provided in Chapter 3 whilst discussion of the unmet demand standard industry index of significance of unmet demand (ISUD) tool results are provided in Chapter 7.

3 Patent demand measurement (rank surveys)

As already recorded in Chapter 2, control of provision of on-street ranks in the Torbay Council area is entirely within the gift of the authority itself, albeit being through the separate highways department.

Our methodology involves a current review both in advance of submitting our proposal to undertake this Unmet Taxi Demand survey and at the study inception meeting, together with site visits where considered necessary. This provides a valid and appropriate sample of rank coverage which is important to feed the numeric evaluation of the level of unmet demand, and its significance (see discussion in Chapter 7).

There have been no changes to rank provision in the area since the previous survey. Nor have there been any significant changes in the area which might cause major change between usage of ranks.

Street marshals, introduced before the last survey, remain in place with part of their time spent being specifically allocated to managing hackney carriage operations. They operate on Fridays and Saturdays (but only up to the end of the Summer season, June to August) as follows:

Torquay Harbourside: 19:00 to midnight, then taxi specific to 04:00

Paignton: 17:30 to 23:00, then taxi specific to 01:00, then assist at Torquay Harbourside until 02:30

Like many other areas, Torbay has several ranks that ceased to see regular use some while ago. Others have very specific uses related to their specific demand generators. Some service a wider range of uses that provide them with more stability within the overall tapestry of change that can occur in any area.

Overview of rank observations

All known active ranks in Torbay, including those at the two private station locations, were observed from 07:00 Thursday 22nd June 2023 through to the 06:59 on Sunday 25th June 2023.

The video record was observed to identify periods when each rank was active, lightly used or not used at all. The rank at Torwood Street is only operational from 18:00 to 06:00 daily but was checked for activity – only parked cars were observed during those hours.

Of the 607 (600 last survey) total hours of observation included, 41% (45%) were active (three or more hackney carriage movements per hour), 10% (12%) saw light usage and 49% (44%) saw no hackney carriage or passenger activity at all – a similar spread to the previous survey with just a few less active hours than quiet, but with more inactive hours. This is interesting given the previous survey was within COVID times suggesting that patterns of usage then have not changed significantly since.

All active hours were observed in detail, with further information gleaned from the hours lightly used in order to ensure that all rank activity during the 607 hours were captured. Information from many of the 61 quiet hours was also observed and added into the information analysed, such that our record covers all rank hours with any activity.

Further details of actual active hours are discussed in the detailed sections below.

During the course of the 607 hours of observation, a total of 13,632 (13,213 in 2020) records were produced including vehicle and passenger arrivals and departures and other relevant comments (such as notes about location openings or other relevant points). 39% (37%) of these records were from the Strand, 15% (16%) from Paignton station, 15% (12%) each from Union Street and Brixham, 2% (10%) from Victoria Parade, 6% (same) from the Post Office Roundabout, 4% (5%) from Cary Parade, 2% (same) from Torquay station, none (1%) from Torwood Street and none (a small number in 2020) from Castle Circus. These values include all vehicles observed at the rank, or considered to be in locations impacting on the rank. It should be noted that parked vehicles at Torwood Street were not counted for this survey as they were in 2020 as there were no hackney carriage movements observed there at all.

69% (70% in 2020) of these records related to vehicle arrivals or departures. 6% (7%) were private cars, 0.1% (0.5%) emergency vehicles, 0.3% (just under 1%) private hire vehicles and 0.9% (just over 1%) goods vehicles. The remaining 92% (90.5%) were local Torbay hackney carriages. This shows very good compliance, and possibly even improved compliance since 2020, with rank regulations in the area, well against national trends.

Two active ranks that saw private car incursions were Union Street (18% (22% in 2020) of observations) and Victoria Parade (14%, same). Cary Parade also saw 18% cars. Other ranks only saw between 0.3% and 3% cars.

Overall rank usage estimates

The rank observations were analysed to identify the estimated weekly usage of each site by passengers. For context, the table includes comparison to all previously available and identified values.

Rank	**2023**		**2020**		**2018**		**2014**		**2011**		**2008**		**2005**
	June		*Early Sept*		*May*		*October*		*May*		*Nov 2007*		
	Pass	**%**	**Pass**	**%**	**Pass**	**%**	**Pass**	**%**	**Pass**	**%**	**Pass**	**%**	**Pass**
Torquay, The Strand	*5907*	*43*	*5953*	*43*	*5761*	*33*	*3400*	*23*	*1766*	*14*	*497*	*4*	
Paignton Stn, priv	*2272*	*17*	*2061*	*15*	*2762*	*16*	*2165*	*15*	*2037*	*16*	*1182*	*11*	
Brixham, Bank Ln	*2206*	*16*	*1685*	*12*	*2619*	*15*	*2357*	*16*	*2204*	*18*	*1864*	*17*	*1982*
Torquay, Union St	*1380*	*10*	*1168*	*8*	*2026*	*11.6*	*1924*	*13*	*1601*	*13*	*3469*	*31*	
Torquay, PO Rbt	*900*	*7*	*781*	*6*	*1058*	*6.1*	*1106*	*8*	*1313*	*10*	*1422*	*13*	
Torquay, Cary Pde	*432*	*3*	*587*	*4*	*409*	*2.3*	*456*	*3*	*436*	*3*	*319*	*3*	
Torquay, Vic Pde	*414*	*3*	*1269*	*9*	*1869*	*10.7*	*1721*	*12*	*2037*	*16*	*765*	*7*	
Torquay Stn, priv	*202*	*1*	*245*	*2*	*868*	*5*	*534*	*4*	*648*	*5*	*391*	*3*	
Torquay, Torwood St			*14*	*0.0*	*36*	*0.2*	*873*	*6*	*69*	*1*	*Not there*		
Torquay, Castle Circ			*6*	*0.0*	*12*	*0.1*	*197*	*1*	*417*	*3*	*711*	*6*	
Paignton, Hyde Rd											*465*	*4*	
Tqy, Princess Th											*80*	*1*	
Tqy, Westlands Sch											*20*	*0*	
Pnton, Dtmouth Rd											*18*	*0*	
Tqy, Lymn Rd, 2 site											*5*	*0*	
Tqy, Lymn Rd, Co Stn											*5*	*0*	
Tqy, Chestnut Av											*0*	*0*	
P'nton, Palace Av											*0*	*0*	
P'nton, Torbay Rd											*0*	*0*	
TOTALS	***13713***		***13769***		***17420***		***14734***		***12527***		***11212***		
Growth frm previous			***-21***		***+18***		***+18***		***+12***		***N/A***		

The key result is that current levels of passengers at ranks is estimated to be almost the same observed in the previous survey. This compares to the 21% reduction from 2018 to 2020 and the 18% growth in rank observed passengers found between both the 2014 and the 2018 and the 2011 and 2014 results, both of which were effectively 30 months apart, similar to the 2020 gap to 2018. It is notable that effectively this survey suggests that usage of hackney carriages at ranks overall is now stable.

Looking at the ranks overall, The Strand is about the same level of usage, Paignton, Brixham, Union Street and PO Roundabout have all increased in both number and share. The big loser is Victoria Parade which has dropped in usage and moved from fourth to seventh in overall usage terms. Cary Parade and Torquay Station also reduced their usage.

Rank usage by location and time

The outline information gathered identified the following by rank:

The Strand – no activity 07:00 Thursday, 04:00 to 08:59 Friday, 06:00, 08:00 and 09:00 Saturday.

Victoria Parade – Mixture of active or light usage for most hours apart from no usage Thursday 08:00, 10:00 and 11:00, Thursday midnight to Friday 15:59, 19:00, 23:00, Saturday 01:00 to 12:59; 14:00, 15:00, 17:00 to 20:59 and from 22:00 onwards until 06:59 Sunday

Union Street – No activity 19:00 Thursday to Friday 06:59; 18:00 Friday to 06:59 Saturday and 19:00 onwards Saturday to Sunday – very clearly related only to shopping hours – just six lightly used hours

Post Office Roundabout – no activity 20:00 Thursday to 07:59 Friday; 20:00 Friday to 07:59 Sat and 19:00 on Saturday through to Sunday – seven lightly used hours and clearly mainly related to shopping.

Torquay Station rank (private) – light usage 10:00, 11:00, 14:00 Thursday, 09:00 and 14:00 Friday, 10:00 Saturday, heavier usage 12:00, 13:00, 15:00 Thursday and Friday and 11:00 to 15:59 Saturday

Cary Parade – effectively a waiting area for the nearby hackney carriage circuit office – but vehicles and passengers regularly there often appearing to take advantage of a vehicle being there – active hours Friday 17:00, 20:00 to 23:59 and Saturday 13:00 to 15:59 and 17:00 to 01:59

Torwood Street – no real usage at all by hackney carriages

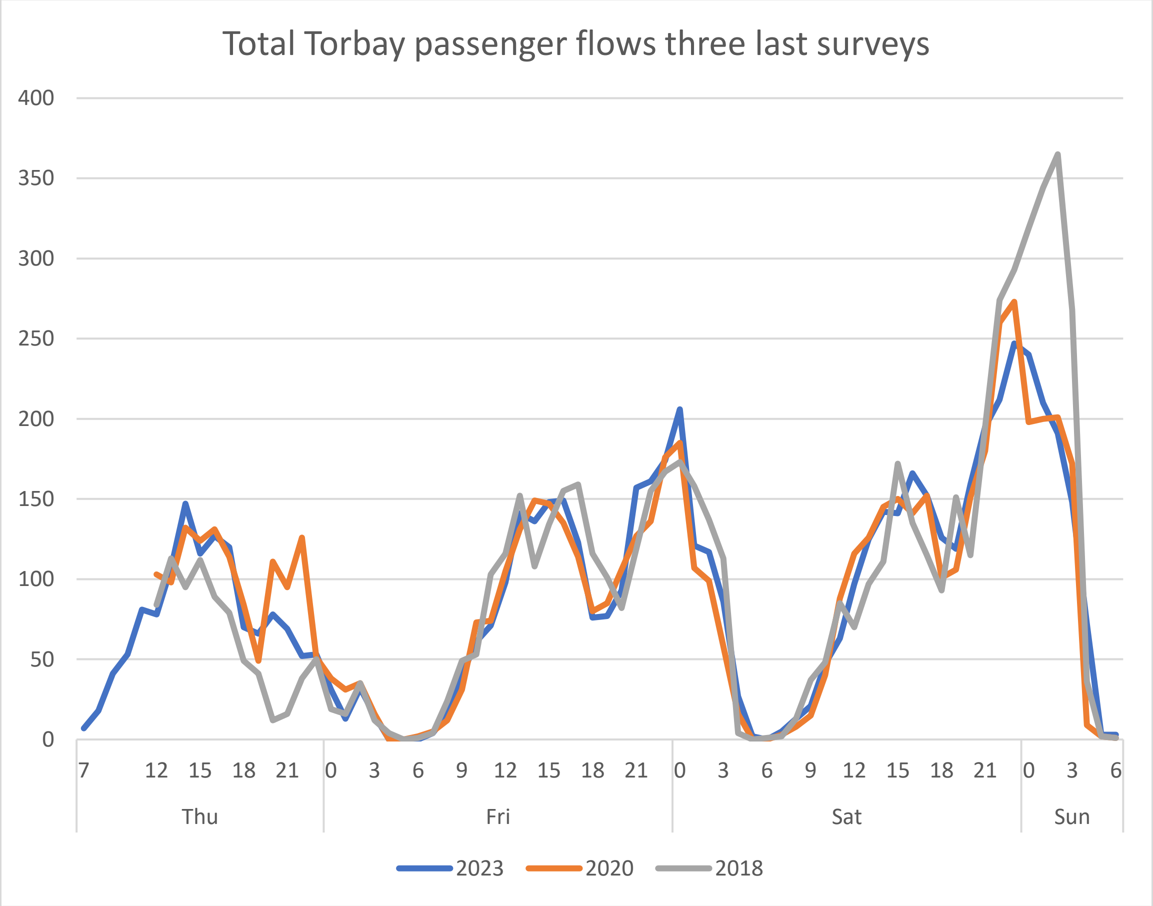
Castle Circus – no real usage at all by any vehicles

Brixham – active Thursday 08:00 till 21:59; Friday 09:00 to 00:59 Saturday and Saturday 09:00 to 01:59 Sunday, otherwise no activity apart from one or two quiet hours 22:00 Thursday, 04:00, 07:00 and 08:00 Saturday (none on Friday).

Paignton Station – private – quiet 07:00 Thursday then active till 23:59 Thursday, quiet 07:00 and 08:00 Friday then active 09:00 Friday to 02:59 Saturday, quiet 03:00 and 07:00 / 08:00 then busy 09:00 Saturday until 02:59 Sunday.

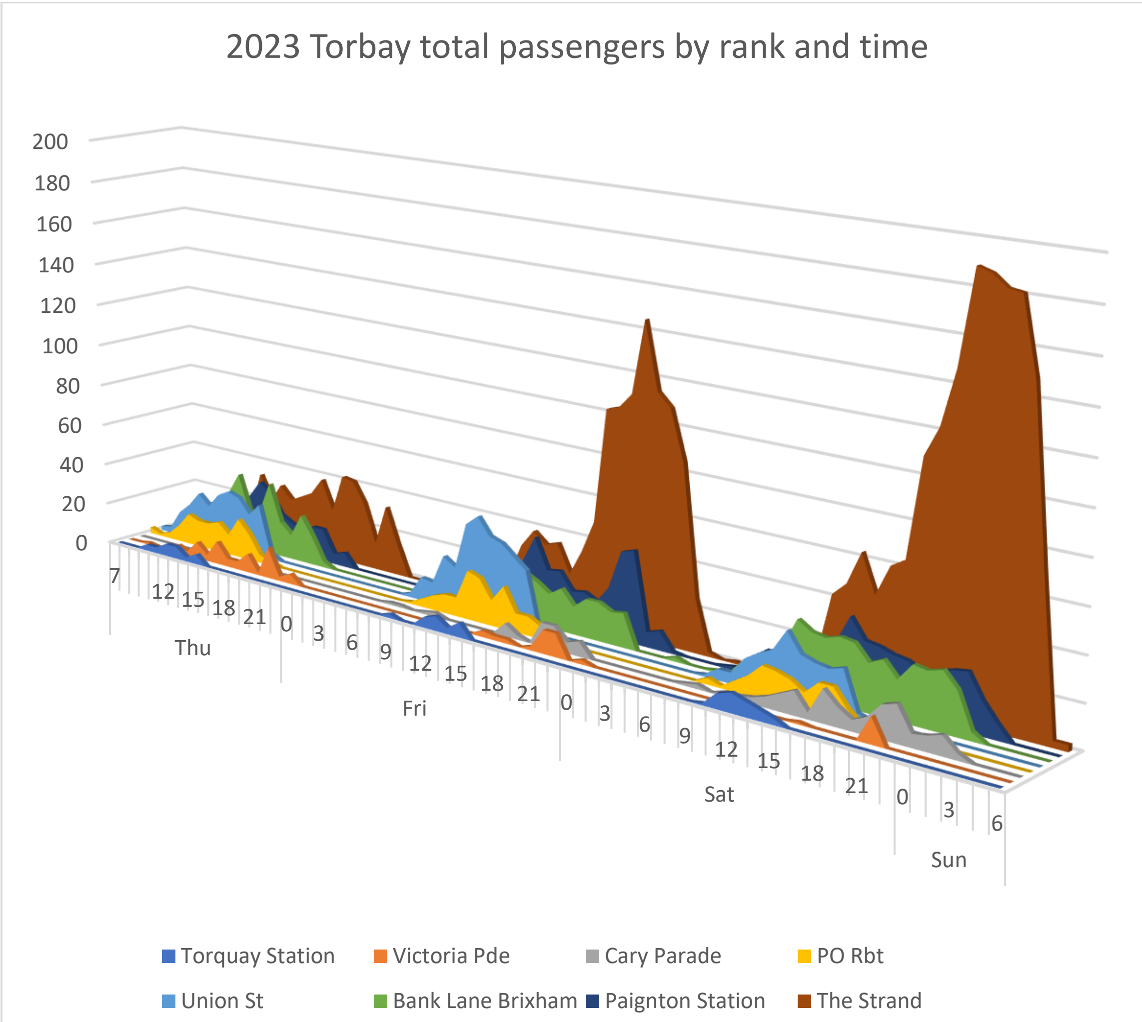
Further review was used to provide the following demonstration of how demand varied over the survey period (using actual data only). These graphs are comprehensive given that all ranks were observed in full over the period covered.

The graph below shows total hourly passenger flows across all ranks in the area during the period surveyed, and also covers the last three surveys. All three days show a similar pattern with reduced flows around 18:00 and 19:00 each day after which there were peaks growing in size from Friday to Saturday (no peak on Thursday in evening this survey as there was in 2020). Daytime flows still appeared similar on all three days. There were three other hours Friday morning (two in 2020) but just one hour on Saturday (two in 2020) that saw no passengers at any rank, otherwise there were people using ranks somewhere in the area in all observed hours, even on Sunday mornings.



Average passenger flows in 2023 were 91 (94, 2020, 98, 2018) per hour. However, the peak to average ratio has continued to reduce, from 3.7 2018 to 2.9 2020 to 2.7 now. The peak was in the same 23:00 Saturday hour as in 2020, which was in the 02:00 hour in 2018. Though the peak in 2023 was again lower, there is evidence that there is a little more early Sunday morning activity, but nowhere near the levels seen in 2018. This suggests that the patterns of usage in 2020 and 2023 are relatively similar, with the hoped-for recovery not yet really observed to any significance.

The second graph considers each separate rank compared to the others, and demonstrates the different contributions of each rank compared to each other.



The graph shows the rise of numbers from Thursday to Friday to Saturday, typical of many rank usage profiles. It does, however, show that morning flows appear relatively similar on all three days although Thursday seems to have the earliest peak flow levels, albeit at a lower level than the late night peaks on Friday and Saturday nights. This is similar to 2020 but as already noted there is no evening peak on Thursdays now.

The graph also shows the continued clear dominance of the Strand rank in passenger numbers. This is the principal rank operating overnight. However, Paignton station rank also contributes strongly to the Friday – Saturday and Saturday – Sunday peaks although generally ending much earlier than the Strand, although continuing a little longer in 2023 than in 2020. Victoria Parade seems to have dropped out of any significant usage in 2023.

Union Street and the Post Office roundabout both operate during shopping hours with the former having generally higher levels of patronage. Brixham tends to run at fairly constant levels through the day but decreases much less on Friday and Saturday nights than on Thursdays. Cary Parade operates at most hours but at a generally lower level overall. All these statements are no different from 2020. This again suggests that from a demand point of view things have remained stable since levels occurring what was in the midst of the pandemic. This is not perhaps what was expected, with little sign of any significant return of pre-pandemic demand, but at least no further reductions.

Surveyed hours with observed unmet demand

Information from the rank observations was reviewed to consider only those hours when there was average passenger delay (APD) identified. Of the total hours observed, 36% (a significant increase since the 21% of 2020) had average passenger delay of any amount. 61% (44% 2020) of these hours with delay had levels of a minute or more (22% (9%) of the total overall hours).

In terms of the overall average passenger delay across the surveyed hours, for all ranks, this is 37 seconds per person shared out over all those using hackney carriages. However, when applied just to those that actually had to wait, the typical wait was 4 minutes 24 seconds. 78% of those waiting waited between one and five minutes, 15% six to 10 minutes and 7% 11 minutes or more.

However, the pattern across the area varies. Over the full days observed, Torquay Station saw the worst average passenger delays – over four minutes on the Thursday, just under six minutes on the Friday and 56 seconds on the Saturday. Brixham had 1m51, 1m11 and 1m 54 respectively. Paignton Station saw 1m17, 34 seconds and 1m 4 respectively. All other ranks, all in Torquay, had average passenger delays over each day of no more than 51 seconds, with many less than that (e.g. Union Street, Saturday, just one second).

A review of the times that passengers experienced waits for hackney carriages suggested this was spread over time and not concentrated on any one period of the day or week. The worst average passenger delay in an hour that was not related to 'thin' demand was of 10m 31 seconds at Brixham at 18:00 on the Saturday of the survey.

In terms of total time waited by passengers, Paignton saw 37% of delay time, Brixham 13%, The Strand 13%, Torquay Station 9%, Post Office Roundabout 8%, Cary Parade 7%, Union Street 3% and Victoria Parade 2%.

Further discussion regarding how significant this unmet demand is follows in the later chapter specifically regarding this.

Frequency of vehicle operation during rank survey

For this survey, a sample set of observations were undertaken to identify the vehicles that were active on the Thursday, Friday and Saturday of the rank observation programme (in 2020 just Friday and Saturday were covered). Five different locations were observed covering a total of 8.5 hours each day (7.5 hours last time). A total of 1,009 (391 last time) different vehicle movements were observed, of which 26% were on the Thursday, 40% on the Friday and 34% on the Saturday. Just taking the Friday and Saturday observations to compare to 2020 54% (57%) were on the Friday and 46% (43%) on the Saturday, a relatively similar spread. All were near to ranks or routes to or from ranks but not at ranks in order to minimise any opportunity for the observations been seen and 'played up' to.

The observations were reviewed to confirm observations that were legitimate hackney carriage and private hire vehicles from the Torbay licensed vehicle fleet. A total of 15 (eight last time) observations, just 1.5% (2%) of those noted, were not local licensed vehicles, with again perhaps half of these possibly registered with one distant licensing authority, although these vehicles could also have simply been visiting the area for various reasons as the observations were not meant to identify what activity each vehicle was undertaking in detail.

73% (76%) of the observations were identified as local Torbay hackney carriage vehicles. 25% (22%) were local Torbay private hire, with the remaining 2% not identified (0.5% could have been mis-observations and 1.5% were believed to be out of town plates).

The number of plates available for the survey period was 169 hackney carriages (165 last time with some not on issue then).

Over the three-day sample, 72% (53% over two days last time) of the active available fleet (AAF) was observed.

24% (16% 2020) of the AAF were observed at more than one location, with just 2% (none in 2020) vehicle observed in more than two different locations. 41% (46%) of the AAF were observed passing along Cary Parade, 21% (14%) at Union Street and in Paignton (2020, 12%) and 17% along Pimlico (5% 2020) and in Brixham (23% 2020). This confirms the main rank still sees the largest share of vehicles serving it.

The comparison suggests vehicles are servicing more of the whole area now than in 2020. There appear to be more vehicles servicing Paignton and Brixham now, but as shown below including more vehicles servicing beyond Torquay. It must be remembered that this survey is a sample and that it is not at ranks but nearby, so it will capture vehicles passing through or serving as private hire as well as those working at the ranks.

12% (17%) were only observed in Brixham. 10% (14%) were only observed in Paignton and 55% only at Torquay locations. 4% (3%) of the fleet were observed in Brixham and also at other Torquay ranks. 12% (5%) were seen in Paignton and also at other Torquay ranks. This continues to suggest a fleet split three ways but perhaps less so than in 2020.

A review was undertaken of the plates not seen. It must be remembered the plate survey is a sample, covering Thursday / Friday / Saturday during the rank observation period which may miss vehicles whose work patterns do not include the surveyed hours. However, the sample hour structure has been developed over time to maximise the results obtained, so the level of missed working vehicles should be low.

Of the 48 hackney carriage plates not seen it was suggested by licensing that 10% were in the process of being transferred at the time of the survey due to driver retirement for a range of reasons and a third were known either to only service school contracts or other specific client bases. A further 29% were known to service school contracts but were still believed to service ranks, with the final 27% unclear why they were not seen. One of the two hcv WAV were not seen in the plate review although the vehicle is believed to service ranks but mainly services school runs so was probably operating out of the time period the plate survey covered.

Further consideration and validation of these values, and their impact on public service levels, are considered in the synthesis section below. In this context it must be remembered that there are no ways by which drivers can be expected to use their plates in any stipulated manner although the issue of a hackney carriage plate is primarily to service the public at ranks and through hailing, particularly where their numbers are limited.

Observed usage for those with disabilities
The overall observations across all ranks found that 5% (7% in 2020) of the observed vehicles at ranks appeared to be wheel chair accessible vehicle style. This compares to 2% (3%) of the hackney carriage fleet that are this style. This may arise either from a tendency for the WAV style vehicles to spend more time at the ranks than other vehicles, or from the possible issue that a number of vehicles in the fleet may appear to be WAV but are not actually WAV-capable (i.e. minibuses or larger WAV style vehicles that are not fitted with ramps or other items that see them WAV-capable), or in some cases the larger capacity of the WAV style vehicles may suit service particularly at busy night ranks for service of groups of people.

A review by rank found the highest proportion of WAV were observed at the Cary Parade rank. Some 31% of the fleet observed there appeared to be WAV. This location is effectively a base for vehicles waiting bookings and this may demonstrate that several WAV are allied to this operation. The other locations with higher values than average were Torquay Station (8%) and Brixham (7%). No WAV were seen at the Post Office roundabout rank, 1% at Union Street, 3% at Victoria Parade and 4% at both Paignton Station and the Strand ranks. These numbers however and the fact there are just two hcv WAV suggest that some observations were in fact vehicles that appeared to be WAV but were actually not.

During the course of the observations, 10 (13 in 2020) people were observed accessing hackney carriages at ranks in wheel chairs. There were three at the Strand (same as 2020), two at Union Street (1, 2020), two at Brixham (3, 2020), and one each at Paignton (3,2020), the Post Office roundabout (1,2020) and Victoria Parade (none 2020). There were none at Cary Parade (2 in 2020). These values are also high given that many wheelchair user trips are undertaken with two specialist companies who operate on the basis of bookings only with private hire vehicles.

This distribution has some stark contrasts to where WAV were observed suggesting several of the wheel chair users transferred from their chair. This appears most true at the Post Office Roundabout and Union Street locations, both principally shopping trip ranks.

However, this does demonstrate that the very low level of overall WAV provided seem to get high usage by the public, which is encouraging, and there seems some willingness for passengers to transfer.

A further 160 (89 in 2020) people were observed with other forms of visible disability, mainly people using sticks. The largest number was at Union Street (43, 24 in 2020), then Paignton station (42 now, 27 2020), then Brixham (28 compared to 13), the Strand (22 compared to 14), Post Office roundabout (16 compared to 11), and Victoria Parade with 5. These are high levels of usage by those with need for assistance and are a very positive comment on the public trust in the hackney carriage service.

4 General public views

It is very important that the views of people within the area are obtained about the service provided by hackney carriage and private hire. A key element which these surveys seek to discover is specifically if people have given up waiting for hackney carriages at ranks (the most readily available measure of latent demand). However, the opportunity is also taken with these surveys to identify the overall usage and views of hackney carriage and private hire vehicles within the study area, and to give chance for people to identify current issues and factors which may encourage them to use licensed vehicles more.

Such surveys can also be key in identifying variation of demand for licensed vehicles across an area, particularly if there are significant areas of potential demand without ranks, albeit in the context that many areas do not have places apart from their central area with sufficient demand to justify hackney carriages waiting at ranks.

These surveys tend to be undertaken during the daytime period when more people are available, and when survey staff safety can be guaranteed. Further, interviews with groups of people or with those affected by alcohol consumption may not necessarily provide accurate responses, despite the potential value in speaking with people more likely to use hackney carriages at times of higher demand and then more likely unmet demand. Where possible, extension of interviews to the early evening may capture some of this group, as well as some studies where careful choice of night samples can be undertaken.

Our basic methodology requires a sample size of at least 200 to ensure stable responses. Trained and experienced interviewers are also important as this ensures respondents are guided through the questions carefully and consistently. A minimum sample of 50 interviews is generally possible by a trained interviewer in a day meaning that sample sizes are best incremented by 50, usually if there is targeting of a specific area or group (e.g. of students, or a sub-centre), although conclusions from these separate samples can only be indicative taken alone. For some authorities with multiple centres this can imply value in using a higher sample size, such as 250 if there are two large and one moderate sized centre.

It is normal practice to compare the resulting gender and age structure to the latest available local and national census proportions to identify if the sample has become biased in any way.

More details of the results of the on-street responses are included in Appendix 5.

More recently, general public views have been enlisted from the use of council citizens' panels although the issue with these is that return numbers cannot be guaranteed. The other issue is that the structure of the sample responding cannot be guaranteed either, and it is also true that those on the panel have chosen to be there such that they may tend to be people willing to have stronger opinions than the general public randomly approached.

Finally, some recent surveys have placed an electronic copy of the questionnaire on their web site to allow interested persons to respond, although again there needs to be an element of care with such results as people choosing to take part may have a vested interest.

For this survey, people were interviewed directly on the streets on Tuesday 4th and Wednesday 5th July 2023. Of the target of 200 interviews, 128 were obtained (135 last survey). It proved more difficult to obtain larger samples in the two smaller towns. These results are therefore marginally more indicative than normal.

25% (13% last time) were obtained in Brixham and 24% (11%) in Paignton, with the remainder in Torquay, some near to the Harbour. 62% (75% last time) of those interviewed said they lived in the Torbay area. In the 2017 survey there were more non-locals (57% lived in the area). The remainder provide a range of postcodes, covering several parts of England with no specific place dominant.

Comparing the interview sample with the latest estimates for Torbay from the census (initial 2021 census values for 2021), more men were interviewed than expected (50% (63% last time) compared to a census level of 48%) whilst more of the mid-age group (31-55) were interviewed (37% (52%) sample compared to 34% (33%) census) with a few less of the younger group (16% compared to 17% expected) and 47% (42%) of the older group compared to 49% (50%) in the census. This is a better spread than in the previous survey so results should be more robust and reliable, although last time proved sufficiently robust.

33% (37% 2020, 36% 2017) said they had made one or more trips by licensed vehicle in Torbay in the last three months, a marginal reduction. Of these, for this survey 40% (26%, 44% in previous two surveys) said they had only used hackney carriage, 19% (30%, 25%) said they had used both hackney carriage and private hire whilst the remaining 40% (44%, 33%) said they had used only private hire. The shift this time is away from use of either kinds of vehicle with people appearing to make more direct choices either to use hackney carriage or private hire.

People gave their frequencies of use of licensed vehicles in the area. 47% (45% last survey) said they had never used them. 22% (18%) said once or twice yearly, 13% (11%) said less than once a month but more than twice a year whilst none (6%) said three or more times weekly. Using average levels, an estimate of trips per person per month of 0.4 (1.7 2020 and 1.3 2017) – a strong reduction. The similar level for hackney carriage usage was 0.25 (1.0, 0.7), suggesting 69% (58%, 54%) of licensed vehicle usage was in fact by hackney carriage, a relatively high and increased level survey on survey.

People were asked how they normally obtained a licensed vehicle in the Torbay area. 44% (36%, 30% and 23% previously) said at a rank with a further zero (14%, 5%, 2%) saying they hailed on street. This gives 44% (50%) for direct hackney carriage usage, in the same order (but slightly lower) than the estimate from the usage statistics. Compared to previous years the clear trend is increase in usage of hackney carriages from ranks. 47% (38%, 45%, 75%) said telephone (reversing what was an apparent reducing trend) and 9% (3%) an app. None (8%) said ‘other’.

People were invited to tell us the companies they phoned for vehicles. 33% (31%) of respondents gave us at least one company. Of these, just 2% (5%) gave three names, 22% (19%) two and 76% (same) just a single name. This suggests either reasonable satisfaction or an element of a concentration of the industry on a few large players, perhaps even more so for this survey in 2023.

However, counter to this was that this time nine (just five last time) companies were named, with the largest gaining 40% (43%) of the responses given (the same company, still dominant). The second largest gained 17% (second last time was 22% but a different company) and the third, 13%. Both were mentioned first time for this survey. The next two responses gained 12% (9% last time) and 10% (17% last time). The final three gained 4%, 2% and 2%. One of the companies with 2% this time had seen 22% in the last survey, the other two were not mentioned last time. Another company that gained 9% in the last survey was not mentioned this time.

In terms of apps used, just two were used, a local and a national, with the local app taking 64% and the national 36%, a typical result if local apps are in place and well-promoted.

52% (58% 2020, 47% 2017) of those responding to the question about how often they used hackney carriages in the area said they could not remember when they last used a hackney carriage.

3% (9% in 2020 and 2017) could not remember seeing a hackney carriage in the area. This suggests people are slightly more aware of hackney carriages now, consistent with their apparent small increased usage in some questions above.

19% (12%) said they only used them once or twice yearly, with 11% saying once or twice a month and 9% less than once a month or more than twice a year.

When asked about ranks, a check list was used to reduce quoting of different names. This resulted in nine ranks being listed with no-one suggesting any that were not on the list (27 names but many that were similar were given last time with a free entry of names). 58% of those interviewed provided at least one name (62% last time).

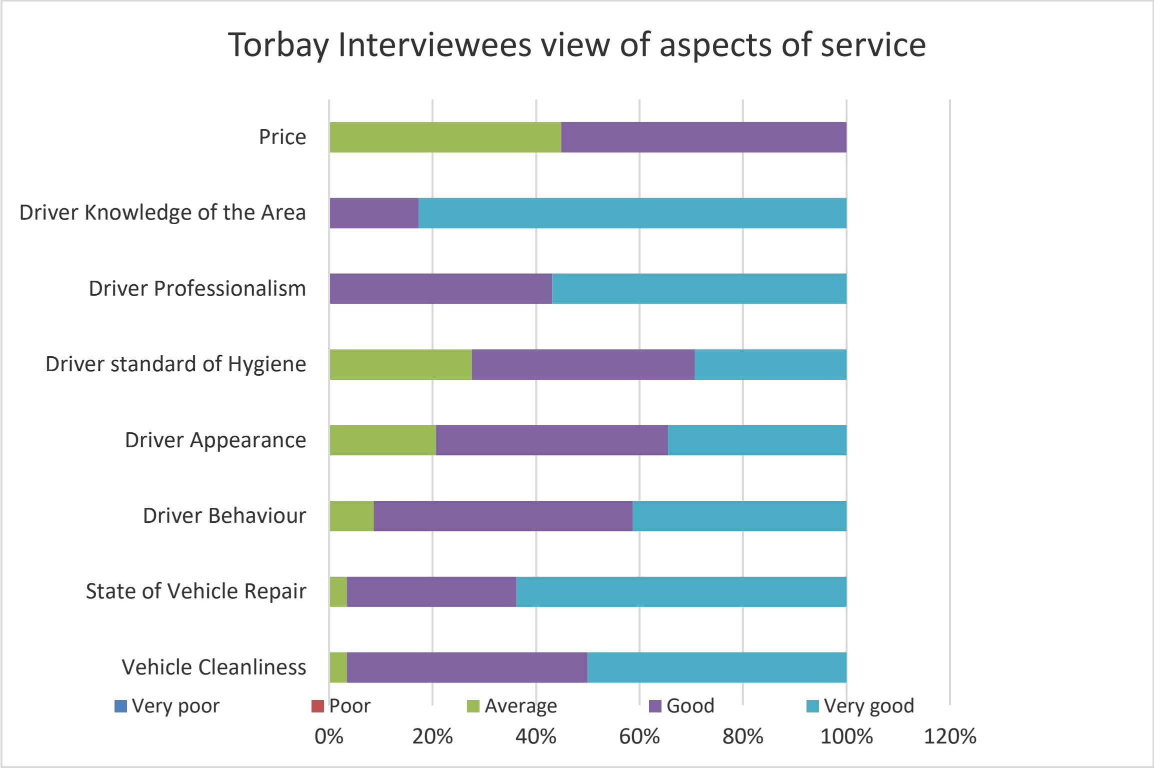
Of all those giving names, 29% (48% last time) named just one rank, 29% (20%) two and 22% (32%) three. A total of 198 (155) mentions were given overall. Of these, 60% (very similar to the 59% of last time, but still different to the 43% of the previous) of responses were for ranks people named but then said they did not use.

The top rank mentioned was The Strand, with 18% (was 17% last time including Torbay Road and Torbay Harbour quotes), with Union Street getting the same share (14% last time). Torquay Station surprisingly gets 16% (19% last time), with Bank Lane Brixham fourth with 13% (5%). Victoria Parade gained 11% (13%), Paignton Station 10% (6%), Post Office Roundabout 8% (5%), Torwood Street 4% (1%) and Cary Parade 3% (6%).

Most quoted as used rank was Union Street with 25% of the total mentions for ranks that were used. The Strand was second with 24%. For non-use The Strand gained 14% of mentions of not being used as did Bank Lane and Torquay Station. 1% of responses were that people used Torwood Street with none saying they used Cary Parade.

People were asked about their last Torbay licensed vehicle journey. There were a total of 46% (51% last time) of those interviewed who gave their opinions and did so for all categories. Overall, the views of the standard of all aspects of the service ranged from good to very good, with a small number of exceptions. Remarkably, for this survey there were no poor or very poor scores at all, with even price 45% average 55% good. The best score was for driver knowledge, where 83% said very good and the remainder good. Other than price, worst average score was for driver standard of hygiene, with an average score 28% and good 43% but also very good 29%.

The graph is shown below:



Over the whole area, 42% (47%) of respondents told us changes that might encourage them to use hackney carriages or use them more often. The main item was cheaper fares, with 70% (32%) of respondents saying this. Next was 19% for better driver quality (6% but also second last time) and finally 2% for more hackney carriages they could phone for (same as last time, but also with a similar share for rank last time), with no other matters receiving any score (last time 32% said nothing and a further 21% said nothing as they were not from the area).

Across the area, 91% (81% last time, 90% previously) said they did not need, nor were aware of anyone that needed an adapted licensed vehicle. The type of vehicles needed scored 10% (11%) for WAV style and none (7%) for other styles, suggesting WAV style is more strongly required.

With reference to latent demand, 44% (84% last time) of respondents provided an answer, with just two (four last time) saying they had given up waiting at a rank. This time the only location stated was 'town centre', although one person said they went on to make a booking while another hailed. This suggests very low latent demand, effectively 0.8%, i.e. 1.008, lower than the 1.01 of last time, but not that much less.

All (77% last time) respondents gave a view if there were enough hackney carriages in the Torbay area. Last time all responded they felt there were enough. This time 31% said yes, 6% no, but 64% said they were not sure.

People were asked if they felt they knew the current difference between a Torbay hackney carriage and a private hire vehicle. Most responded, with two thirds saying they did not know the difference. Specific aspects were then reviewed, with the licensing team advising us the correct answers they would expect (given that there is a wide variation across licensing areas for what is correct or not).

5 Key stakeholder consultation

The following key stakeholders were contacted in line with the recommendations of the BPG:

- Supermarkets
- Hotels
- Pubwatch / individual pubs / night clubs
- Other entertainment venues
- Restaurants
- Hospitals
- Police
- Disability representatives
- Rail operators
- Other council contacts within all relevant local councils

Comments received have been aggregated below to provide an overall appreciation of the situation at the time of this survey. In some cases, there are very specific comments from given stakeholders, but we try to maintain their confidentiality as far as is possible. The comments provided in the remainder of this Chapter are the views of those consulted, and not that of the authors of this report.

Our information is normally obtained by telephone, email, letter or face to face meeting as appropriate. The list contacted includes those suggested by the Council, those drawn from previous similar surveys, and from general internet trawls for information. Our target stakeholders are as far as possible drawn from across the entire licensing area to ensure the review covers the full area and not just specific parts or areas.

For the sake of clarity, we cover key stakeholders from the public side separately to those from the licensed vehicle trade element, whose views are summarized separately in the following Chapter.

For this survey, no responses were received. As our consultation is not statutory, there is little more that can be done. However, people have been provided the option to respond and if there were major issues, someone would have took the opportunity. We do not consider this is a serious issue given that it is very rare that key stakeholder views overturn the results identified from the other elements of the data collection.

Page left intentionally blank

6 Trade stakeholder views

The BPG encourages all studies to include 'all those involved in the trade'. There are a number of different ways felt to be valid in meeting this requirement, partly dependent on what the licensing authority feel is reasonable and possible given the specifics of those involved in the trade in their area.

The most direct and least costly route is to obtain comment from trade representatives. This can be undertaken by email, phone call or face to face meeting by the consultant undertaking the study. In some cases to ensure validity of the work being undertaken it may be best for the consultation to occur after the main work has been undertaken. This avoids anyone being able to claim that the survey work was influenced by any change in behaviour.

Most current studies tend to issue a letter and questionnaire to all hackney carriage and private hire owners, drivers and operators. This is best issued by the council on behalf of the independent consultant. Usual return is now using an on-line form of the questionnaire, with the option of postal return still being provided, albeit in some cases without use of a freepost return. Returns can be encouraged by email or direct contact via representatives.

Some authorities cover private hire by issuing the letter and questionnaire to operators seeking they pass them on when drivers book on or off, or via vehicle data head communications.

In all cases, we believe it is essential we document the method used clearly and measure response levels. However, it is also rare for there to be high levels of response, with 5% typically felt to be good and reasonable.

Taking into account the multiple involvement of some parties, the number of individuals involved and therefore contacted to complete the driver survey, was in the order of 567 (602 in 2021). 212 (172) responses were received, 37% (29%), showing a very strong response rate, which is encouraging, and even better than that in the previous survey. The survey was issued once the rank work had been completed.

The responses were reviewed and validated with no evidence of duplication. The largest proportion came from those saying they drove private hire vehicles (52%, 50% last time). This compares to 64% (65%) of the vehicle fleet being private hire. A further 2% (3%) said they drove both private hire and hackney carriage whilst 2% (8%) said they did not drive. 42% (39%) said they drove hackney carriages. This is a generally similar structure to the last survey so should give similar answers albeit for the present time.

Of those responding, 81% told us the licensed vehicle trade was their only or main source of income. 7% worked part time but had no other source of income. 7% were part time but with other sources of income. 2% said they were not working but intended to return, with 3% saying they were not working in the licensed vehicle trade and had no intention of returning.

Those responding had a wide range of lengths of service in the industry, with the most experienced person having been involved with the Torbay trade for 48 (52) years. The average length of service was 12 (13) years. Comparing those stating only hackney carriage and only private hire service, the average and maximum levels were both higher for hackney carriages (16 (13) compared to 9 (9) for average service and 48 (52) and 38 (37) years for the maximum length of service).

In terms of work normally undertaken (where people had to choose just one option), 37% (same) said immediate hire work from ranks. 34% (31%) said immediate hire work from bookings, 22% (same) advanced hire work and 4% (same) chauffer or corporate work. The remaining 3% (6%) confirmed they were not drivers. Again, this question shows little difference from the last survey.

The overall profile across the survey for days worked found the highest frequency was five days (44%, same), followed by six days (29%, 21% last survey), four days (11%, 16% last time), not working (1%, was 8%), seven days (9%, was 5%), two or three days (1% and 3%, was 3% each) and the final 0% (was 1%) for one day only. The average was 5.2 (4.5) days. This suggests more days being worked, and more drivers returning to work, which is as could be expected.

Comparing hackney carriage, private hire and both categories for days worked, all saw the highest percentage for five days (40%, 47% and 67%, was 40, 44 and 60% respectively) but the hackney carriage profile was much more focussed on the higher number of days, resulting in an average for hackney carriage of 5.5 (was five) days compared to 5.0 (4.2) for private hire and 4.3 (5.4) for 'both'. This time, 7% (none last time) private hire driver said they had worked seven days. 12% (10%) of hackney carriages said they had.

With respect to hours worked in the week before completing the questionnaire, the overall average was 43 (35) per week. The maximum quoted was 90 (70) hours. When considered split between hackney carriage, private hire and those saying 'both' the values were 46, 41 and 31 (was 40, 34 and 33) respectively, suggesting a typical profile of longer hours for hackney carriages. Again these figures demonstrate an increase in activity since the last survey.

65% (Just over two thirds in last survey) of respondents told us their main issues that affected their choice of when to work. The main item quoted was working around family commitments (30%, last time 18%), then when contracts required (mostly school contracts)(16%), when busiest (11%, was 9%), simply that people were able to choose when they preferred to work, with no further detail (10%, was 31%). 7% worked around bookings (4% last time), 5% avoided busy traffic periods, 4% chose times because of their age, 4% avoided awkward customers (5% last survey), 3% worked when the tariff was highest, 3% preferred nights. A further 1% each quoted need to charge their vehicle, preference for mornings, working when rank space was most available, around another job (2% last time), preferring days, that they rented the plate, that they shared a vehicle, or at quieter times. It is clear many drivers, as with national views, are now putting family first, followed by guaranteed earnings such as contracts. However, against the national trends, is the small level of people avoiding awkward customers, which has reduced.

Respondents told us if they owned and drove their own vehicles. 77% (81% last time and 76% previously) said they did. This level was higher for hackney carriages at 88% (91%), 80% (same) for those saying they drove both and 72% (73%) for phv, very similar numbers.

Just 14% (much reduced from the 27% last time) said someone else drove the vehicle that they drove at another time. For hackney carriages, the value was 12% and 15% for private hire.

Drivers were asked if they accepted pre-bookings. 96% (94% last time) gave a response, of which 86% (exactly as last time) said that they did accept pre-bookings. A check was made of those that drove hackney carriages, or those that said they drove both but clearly used ranks. This found that 90% (87% last time) of all hackney carriages responding said they did accept bookings – a marginal increase.

For the full response, 47% (53% last time) of bookings were via an office, 17% (29%) by phone and 15% by direct referrals. Last time there were 7% by phone or email, with the remaining 11% by a mix of the above plus contracts and apps. This would include those taking bookings via the Cary Parade hackney carriage office. Apps were 3% for this survey with contracts a similar 3%. The company related shares were 11% for hackney carriage, 34% for private hire and 1.2% for the ‘drive both’ responses. Direct referrals were higher for hackney carriage (10% compared to 5% private hire). This demonstrates the wide range of ways all parts of the trade get their fares.

The question about rank usage received responses from 89 drivers (94% of the total possible). The total included all but three hackney carriages, two who clearly said they got most work from immediate hire from ranks but gave no rank names, and another who did not answer many further questions. Two of those that drove both kinds of vehicle did not respond, one because their main work was school contracts and another who was a vehicle owner.

As in the previous survey, the responses demonstrated several trade names for ranks in the area:

- Short Rank = The Strand (also known as Shiraz, Prezzo or Vaughan Parade)
- Long Rank = Victoria Parade
- Haldon Rank = Union Street rank
- GPO Rank = Tesco rank
- Torquay Harbour = Short, long and Cary Parade

Of all the responses, one (1%) named four locations, essentially the Harbour ranks plus Torquay Station, 16% named three (60% last time), 27% named two (17%) and 56% (23%) named just one, although 9% did say 'Torquay Harbour' which implies three ranks there (Strand, Victoria and Cary Parades). 17% said only Paignton Station (9% last time), 11% only Brixham (same as last survey), 8% only Torquay harbour ranks, and 6% only Strand. Just 3% said Torquay Station with none of these only servicing that location.

4% said they serviced all ranks, 0.5% all but Paignton and one told us they only worked in Paignton, but not at the Station rank due to the need for a permit. They confirmed no other rank there saw any significant patronage.

In total, some 142 (166 last time) different mentions were made of ranks. When transformed to a common set of names, 19% (23%) said the Strand, 19% (17%) Union Street, 9% Torquay Harbour, 8% (17%) Victoria Parade, 8% (10%) GPO roundabout, 9% (same) Brixham, 12% (8%) Paignton, 7% (same) Cary Parade, 2% (3%) Torquay station, 3% (2%) "Torquay", with no mention of any of the unused ranks at all this time. This suggests a strong reduction in use of Victoria Parade, a small reduction in use of the GPO rank, but a strong increase in use of Paignton rank.

In terms of share of work, just 2% of the hackney carriages giving shares of their work said they got all their work from ranks. However, a further 17% obtained 90% or more, 43% obtained 50-89% and a third gained 49% or less of their work from ranks. The average share from those saying they got work from ranks was that 49% of their work came from ranks.

There were 3% of hackney carriages responding who confirmed they did no work from ranks, one getting all their work from phone bookings and another all their work from school contracts. Interestingly, the other vehicle got 95% of work from telephone bookings but the balance from hailing.

The average level of hailing quoted was 5%, with a range from 0.25% to 25% (with two vehicles saying the latter). 63% of all hackney carriages providing a response said they gained at least some work from hailing.

59% of all responding private hire got all their work from telephone bookings. 10% got all work from schools contracts with 7% more getting all their work from contracts but not exclusively from schools work. 18% got between 20 and 80% of their work from school contracts.

Respondents were asked if they thought there were sufficient hackney carriages in Torbay at this time. 98% of hackney carriage and 93% of private hire responded. 93% of hackney carriage said there were enough. Only 58% of private hire agreed. 20% of private hire said there were not enough. 16% of private hire did not know.

Drivers were invited to confirm if they thought the limit policy remained correct for the area. Most responded (94%) of which 75% (91% last time) agreed this remained correct. This included most hackney carriages (93%), all that said they drove both kinds of vehicle and a majority of private hire drivers (57%). Of the overall total, 8.5% said they did not know, with 1% saying the questions was not applicable and 0.5% saying ‘possibly not’. 15% of all respondents said they did not think the limit should be retained, higher than the 9% from last survey. Overall support is also reduced, but mainly from the private hire sector.

83% responded to the question regarding why the limit remained appropriate (50% last time). There were almost the same number of hackney carriages and private hire responding, and four each from the non-drive and drive both categories. This suggests a rounded response. 16% said they did not know. 2% said they felt there needed to be more vehicles, with 15% telling us they thought the limit provided no public benefit.

There were a further 12% who simply said the limit was a benefit, but not why. The remaining 56% gave various benefits. Top was preventing over ranking and congestion (11%) followed by 8% saying the limit meant that customers had a better chance of knowing the drivers, and 6% saying it prevented loss of drivers by keeping incomes higher. Other benefits included maintaining vehicle standards, providing better vehicles and drivers, enabling investment, covering the issue that seasonal earnings were lower, and many others.

When asked the benefits of removing the limit, 80% responded. Of these, 19% said they did not know. A quarter said there would be benefits, mainly adding more vehicles, better public safety, less issues at ranks and overall better service. However, 46% used this question to say they did not think there would be any benefit, with a further 7% saying there would be initial benefit and then a worsening as more drivers found they could not make a living. One suggested the real need was for part time night drivers.

Other General Comments

48% provided other comments. Many were very detailed and gave extensive views about the real issues, including need for more drivers and more that were willing to work night shifts.

There were concerns about potential loss of the GPO rank and changes to the Paignton station rank. Two said they only worked on school contracts. One pointed out a need for wheelchair accessible vehicles, whilst others said there were more than enough WAV.

Many reiterated the need to retain the limit whilst others pointed out shortages were mainly at busy times only.

A very big concern from across the trade was the current shortage of rank space which they believed was going to get worse. Many said that more plates would mean more vehicles not able to wait at ranks and therefore more congestion and pollution from these driving around.

Summary

There are many areas in which the current responses to the trade questionnaire suggest little has changed since the last survey. However, there is some evidence of more drivers working now and slightly more days and hours being worked. The strength of feeling regarding retention of the limit seems to have reduced a little (mainly from private hire), but the level of people quoting benefits of removing the limit has reduced, but both sides of the argument both remain strong. Other comments were made about vehicle policies and the need to consider ensuring drivers could make a reasonable living. A small number of hackney carriage and larger numbers of private hire confirm they do not service ranks or the general public but undertake specific work, principally for school contracts.

7 Evaluation of unmet demand and its significance

It is first important to define our specific view about what constitutes unmet demand. Our definition is when a person turns up at a hackney carriage rank and finds there is no vehicle there available for immediate hire. This normally leads to a queue of people building up, some of who may walk off (taken to be latent demand), whilst others will wait till a vehicle collects them. Later passengers may well arrive when there are vehicles there, but because of the queue will not obtain a vehicle immediately.

There are other instances where queues of passengers can be observed at hackney carriage ranks. This can occur when the level of demand is such that it takes longer for vehicles to move up to waiting passengers than passengers can board and move away. This often occurs at railway stations but can also occur at other ranks where high levels of passenger arrivals occur. We do not consider this is unmet demand, but geometric delay and although we note this, it is not counted towards unmet demand being significant.

The industry standard index of the significance of unmet demand (ISUD) was initiated at the time of the introduction of section 16 of the 1985 Transport Act as a numeric and consistent way of evaluating unmet demand and its significance. The ISUD methodology was initially developed by a university and then adopted by one of the leading consultant groups undertaking the surveys made necessary to enable authorities to retain their limit on hackney carriage vehicle numbers. The index has been developed and deepened over time to take into account various court challenges. It has now become accepted as the industry standard test of if identified unmet demand is significant.

The index is a statistical guide derived to evaluate if observed unmet demand is in fact significant. However, its basis is that early tests using first principles identified based on a moderate sample suggested that the level of index of 80 was the cut-off above which the index was in fact significant, and that unmet demand therefore was such that action was needed in terms of additional issue of plates to reduce the demand below this level, or a complete change of policy if it was felt appropriate. This level has been accepted as part of the industry standard. However, the index is not a strict determinant and care is needed in providing the input samples as well as interpreting the result provided. However, the index has various components which can also be used to understand what is happening in the rank-based and overall licensed vehicle market.

ISUD draws from several different parts of the study data. Each separate component of the index is designed to capture a part of the operation of the demand for hackney carriages and reflect this numerically. Whilst the principal inputs are from the rank surveys, the measure of latent demand comes from the public on-street surveys, and any final decision about if identified unmet demand is significant, or in fact about the value of continuing the current policy of restricting vehicle numbers, must be taken fully in the context of a careful balance of all the evidence gathered during the survey process.

The present ISUD calculation has two components which both could be zero. In the case that either are zero, the overall index result is zero, which means they clearly demonstrate there is no unmet demand which is significant, even if other values are high.

The first component which can be zero is the proportion of daytime hours where people are observed to have to wait for a hackney carriage to arrive. The level of wait used is ANY average wait at all within any hour. The industry definition of these hours varies, the main index user counts from 10:00 to 18:00 (i.e. eight hours ending at 17:59). The present index is clear that unmet demand cannot be significant if there are no such hours. The only rider on this component is that the sample of hours collected must include a fair element of such hours, and that if the value is non-zero, review of the potential effect of a wider sample needs to be considered.

The other component which could be zero is the test identifying the proportion of passengers which are travelling in any hour when the average passenger wait in that hour is greater than one minute.

If both of these components are non-zero, then the remaining components of the index come into play. These are the peakiness factor, the seasonality factor, average passenger delay, and the latent demand factor.

Average passenger delay is the total amount of time waited by all passengers in the sample, divided by the total number of passengers observed who entered hackney carriages.

The seasonality factor allows for the undertaking of rank survey work in periods which are not typical, although guidance is that such periods should normally be avoided if possible particularly as the impact of seasons may not just be on the level of passenger demand, but may also impact on the level of supply. This is particularly true in regard to if surveys are undertaken when schools are active or not.

Periods when schools are not active can lead to more hackney carriage vehicles being available whilst they are not required for school contract work. Such periods can also reduce hackney carriage demand with people away on holiday from the area. Generally, use of hackney carriages is higher in December in the run-up to Christmas, but much lower in January, February and the parts of July and August when more people are likely to be on holiday. The factor tends to range from 0.8 for December (factoring high demand level impacts down) to 1.2 for January / February (inflating the values from low demand levels upwards).

There can be special cases where summer demand needs to be covered, although high peaks for tourist traffic use of hackney carriages tend not to be so dominant at the current time, apart from in a few key tourist authorities.

The peakiness factor is generally either 1 (level demand generally) or 0.5 (demand has a high peak at one point during the week). This is used to allow for the difficulty of any transport system being able to meet high levels of peaking. It is rarely possible or practicable for example for any public transport system, or any road capacity, to be provided to cover a few hours a week.

The latent demand factor was added following a court case. It comes from asking people in the on-street questionnaires if they have ever given up waiting for a hackney carriage at a rank in any part of the area. This factor generally only affects the level of the index as it only ranges from 1.0 (no-one has given up) to 2.0 (everyone says they have). It is also important to check that people are quoting legitimate hackney carriage rank waits as some, despite careful questioning, quote giving up waiting at home, which must be for a private hire vehicle (even if in hackney carriage guise as there are few private homes with taxi ranks outside).

The ISUD index is the result of multiplying each of the components together and benchmarking this against the cut-off value of 80. Changes in the individual components of the index can also be illustrative. For example, the growth of daytime hour queueing can be an earlier sign of unmet demand developing than might be apparent from the proportion of people experiencing a queue particularly as the former element is based on any wait and not just that averaging over a minute. The change to a peaky demand profile can tend towards reducing the potential for unmet demand to be significant.

Finally, any ISUD value must be interpreted in the light of the sample used to feed it, as well as completely in the context of all other information gathered. Generally, the guide of the index will tend not to be overturned in regard to significant unmet demand being identified, but this cannot be assumed to be the case – the index is a guide and a part of the evidence and needs to be taken fully in context.

Component	2023		2020		2018		2014	2011	2008
	All	Council only	All	Council only	All	Council only			
Average passenger delay (APD)(mins)	1.73	1.37	0.62	0.48	0.27	0.13	0.7	0.16	0.47
Off peak hours with any delay	43.33	39.77	35.09	31.4	30.59	30.88	8	0	7.2
Proportion of passengers travelling in hours with over a minute APD	47.58	42.24	18.2	16.63	5.40	5.278	5.7	1.42	15.71
Seasonal factor	1	1	1	1	1	1	1	1	1
Peak factor	0.5	0.5	0.5	0.5	1	1	1	0.5	1
Latent Demand factor	1.008	1.008	1.01	1.01	1.047	1.033	1.101	1.126	1
Index of significance of unmet demand (ISUD)	1801.26	1157.17	198.89	127.4	46.72	22.39	35.15	Zero	53.16

The table provides two values for the ISUD statistic for the last three surveys. The 'all' value includes all observed passenger waiting times from all ranks. The 'council only' value excludes observations at both Paignton and Torquay stations where the number of vehicles able to service demand is reduced by the imposition of the external requirement for a permit to service that location by the train operating company. Both values are over the cut-off of 80 suggesting that the observed unmet demand is significant. This was also the case in 2020.

Review of the information for each element shows that, apart from the latent demand factor which has marginally reduced, and the seasonal and peak factors that have remained the same, all have changed towards the observed levels of unmet demand being significant. The proportion of those travelling in hours when average passenger delay is over a minute is the component that has worsened most.

This is a contrary result given the stability in numbers of passengers observed, which would normally means unmet demand levels would not change. Further discussion occurs below and in the synthesis section.

Given that our observations confirmed, as in the last survey, that the area tends to operate almost as three separate areas, and that there are also two ranks with further restricted vehicle numbers arising from the station permit system, further tests were undertaken to compare performance of the fleet divided up into the respective operating regimes. The table below presents the results from these tests.

Component	Torquay		Paignton		Torquay Station		Brixham	
	2023	2020	2023	2020	2023	2020	2023	2020
Average passenger delay (APD)(mins)	1.37	0.3	3.63	0.93	3.38	3.32	1.32	1.62
Off peak hours with any delay	34.72	27.78	75	53.85	31.25	35.71	62.5	50
Proportion of passengers travelling in hours with over a minute APD	43.11	10.98	74.83	22.78	65.43	45.52	38.01	51.23
Seasonal factor	1	1	1	1	1	1	1	1
Peak factor	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Latent Demand factor	1.008	1.008/1.01	1.008/1	1.008/1	1.008/1	1.008/1	1.008/1	1.008/1.06
Index of significance of unmet demand (ISUD)	1031.12	45.74	10195.3	572.48	3486.71	2698.83	1563.89	2194.9

These results demonstrate the focus of operations and that if each were a separate zone what the service levels identified were. Whilst in 2020, Torquay council ranks were operating satisfactorily, in 2023 none provide satisfactory performance levels using the ISUD index. However, the situation in Brixham has shown improvement, whilst Paignton station has worsened significantly. The main set of Torquay ranks remain the location seeing by far the best level of service.

As in 2020, the issue of Brixham remains complicated in several ways:

- The town is at the far end of the area and geographically remote
- The town itself is hilly discouraging walking and cycling
- Journeys tend to be short
- There is no public transport within the town apart from the service towards Paignton and Torquay and a few other rural services

- The taxi service provided (both private hire and hackney carriage) is very locally based, operated and appreciated as such
- We have been advised that any Torquay or Paignton based plate setting down is very unlikely to feel welcome taking any passengers and that the local passengers know their local provision and are faithful to those drivers
- There is some evidence that the fleet servicing demand tends to be more established and therefore with more drivers likely to be considering retiring than might otherwise be the case
- Our plate review and the driver survey suggested several Brixham hackney carriage plates were not operating which would have more serious impact given the smaller size of the overall operating fleet.

The principal issue in Paignton is the need for the supplementary permit. Further, this location saw increased passenger numbers in 2023, although Brixham also saw increase whereas the situation there improved.

Taken alone, the inference of the ISUD results is that more vehicle plates are needed to ensure public service is returned to levels agreed by the ISUD methodology to be more appropriate. However, recent thought has meant that it is even more important at this time to consider the overall picture in the round and not just simply be dictated by the mathematical formula, which has always meant to provide guidance.

Overall responses to the identified operational matters is also discussed further below in the synthesis section, in the light of matters that are legally and practically possible.

8 Summary, synthesis and study conclusions

This unmet taxi demand survey on behalf of Torbay has been undertaken following the guidance of the BPG and other recent case history regarding unmet demand and its significance.

Background and context

The Best Practice Guidance of 2010 remains the principal explanation of the application of Section 16 of the 1985 Transport Act to the testing of the level and veracity of a policy limiting the number of hackney carriages in any licensing area. Despite various reviews in recent years, Section 16 and the BPG still remain the benchmark legal background and guidance. The Law Commission review, the results of the Parliamentary Task and Finish Group and the latest proposed BPG all suggested retaining limited numbers remained useful to ensuring good public service was provided, although the guidance remains that reduced regulation (including not having a limit) is 'best practice'.

The heart of any unmet demand study remains the collection of information about actual service to the public in terms of how many arrive at ranks and have to wait for vehicles to arrive. The industry standard evaluation of the measurable elements of this remains the ISUD index as developed over time through various court cases. Over time, the context of the statistical background has been widened and deepened with the principal concept of unmet demand and its significance remaining. However, over the time since Section 16 and even since the BPG, the distinction between hackney carriage and private hire vehicles has tended to become more blurred, most recently more so with changes in communication towards first mobile phones and then increasing power of mobile devices, allowing the development of pseudo-ranks in terms of the widespread take-up of app-based hiring of licensed vehicles.

Since 2020, two new items of legislation have been added including one that strengthens the encouragement for service to be provided to those with disabilities. However, the planned release of entirely refreshed Best Practice Guidance remains in abeyance (at the time of writing this Report) and views about discouraging out of town vehicles though strengthening against still see no practical way this issue can be resolved.

Further, despite loss of many limited authorities through their being amalgamated into new unitary authorities who have in general not retained zones, or who have removed limits within zones, overall the proportion of authorities with limits on hackney carriage vehicle numbers has remained similar with many having strong views regarding their retention.

Area background

Torbay is a South West unitary authority with a marginally growing population but a high proportion of older people. Being unitary it has direct control over all policies although the Local Transport Plan (LTP) is produced jointly as the Devon and Torbay LTP given the links with that overall area. The Torbay Strategy seeks a low-carbon sustainable transport system supporting the three constituent towns. In most recent statistics (before the pandemic) the tourist demand was some 8.5 million bed-nights per year and an extra 200,000 population increase. Some transport improvements achieved, notably improved bus services, have been at the expense of use of licensed vehicles although as in other places, the impact of the pandemic has been severe on levels of patronage and provision of public transport.

Comment in the LTP evidence report supports taxis having an increased role as part of sustainable transport packages across the area, involving ensuring key ranks are at least six vehicles each to allow for sufficient ability to meet passenger demand effectively. The Consultation Report (2010) found that licensed vehicles had the highest level of customer satisfaction within various public transport measures, putting them in a very good light in terms of overall contribution to the local transport economy. However, some comments suggest that there are plans to revise rank provision particularly in Paignton although this has not been formally confirmed.

Recent council web pages confirm licensed vehicles to be an important public transport mode with an important role providing safe, secure, comfortable and on request door-to-door services for a range of customers. Key aims are safe travel, good service levels without the trade being burdened by unnecessary conditions.

Over the years preceding the previous survey, and up to the time the pandemic began, strong investment in bus services had impacted on hackney carriage and private hire usage, particularly the longer distance journeys across the area. However, as noted above, bus companies now have to focus on ensuring they remain viable and less services now operate than pre-pandemic even though a national cap on fares continues to be extended. Working from home has reduced commuting levels although leisure travel has increased nationally.

Timetable

The May 2023 proposal was accepted on 12 June 2023 and an inception held remotely on 15th June 2023. The rank surveys were undertaken in late June with on-street pedestrian interviews in early July. The driver survey was run after the rank work was completed principally through July 2023, with key stakeholders consulted over the survey period.

Industry Statistics

Since the last survey, the hackney carriage fleet has seen the seasonal plates revised to be all-year giving a total of 169 all-year licences at the time of the survey. However, this total number has been in place at least since 1974 when DfT statistics were first collected. The level of private hire vehicles has been reducing steadily since the last survey. In 1997, hackney carriages were 65% of the fleet. At the height of private hire growth in 2009 this had fallen to 32%. With recent changes the share has increased again, albeit to only 36%.

Driver licences, which have all been fully dual since 2011 (providing maximum flexibility for the trade) saw a peak in 2007 and again in 2018, but sharp decline with the pandemic, and continued reduction since, with the gap between vehicle and driver numbers reducing suggesting less sharing or renting of vehicles than in the past.

Operator numbers have broadly followed the driver number profile with a general trend downwards since the last survey. Torbay always has a high number of operators due to their means of definition of who needs such a licence as explained in full earlier (anyone intending to take any direct booking, including a contract, must have their own operator licence).

Wheelchair accessible hackney carriages are a very small percentage of the hackney carriage fleet, with main demand taken up by two specialist companies who operate WAV as private hire. However, observed usage at ranks is more than these figures would suggest, to an encouraging level, but also suggests there may be a good level of wheel chair users transferring from their chairs to use saloon style vehicles.

Industry background

Torbay has utilised its power to restrict hackney carriage vehicle numbers since at least 1968 and has undertaken regular review of this policy. The timeline is as follows (date of rank surveys, hours and gap between observation months in brackets):

- 2005 (October 2004)
- 2008 (November 2007, 519 hours) (3 years)
- 2011 (May, 259 hours) (3.5 years)
- 2014 (October, 252 hours) (3.5 years)
- 2018 (May, 300 hours) (3.5 years)
- 2020 (September, 600 hours plus October supplementary test) (2.5 years)
- 2023 (June, 600 hours) (2 years 10 months)
-

Details of sample structures and times covered are available for most but not all the above but in each case the focus has been using industry standard methods to obtain a typical weekly average passenger level at each rank.

Whilst the number of hackney carriage vehicles has remained stable given the limit policy, the unregulated number of private hire vehicles has continued to reduce. Driver and operator numbers have followed a similar pattern. The level of drivers per vehicle has reduced. It must be noted that the means of definition of an operator in Torbay implies there will always be a very high number compared to the overall fleet.

Industry structure impacts

At the time of the survey the licensed vehicle industry in Torbay comprised (2020 in brackets):

- 169 (161) hackney carriage vehicles
- No (6) seasonal hackney carriage vehicles
- 303 (307) private hire vehicles
- 517 (543) drivers (all able to drive any vehicle)
- 312 (234) operators

In total some 567 (602) different people are linked to the above; this excludes any persons involved not requiring specific licences, such as office staff in booking offices.

Considering the various operating models the above can be divided as follows:

- 96 (61) hackney carriage owner drivers
- 187 (201) private hire owner driver operators
- 173 (240) people purely drivers
- 49 (100) hackney carriage vehicles only owned
- 99 (106) private hire vehicles only owned

This is a big change from 2020 away from vehicles available for rent towards owner-drivers on both sides of the industry. On the face of these statistics this provides 148 (206) vehicles needing drivers and 173 (240) that can drive them. However, there is nothing to restrict any vehicle being driven by more than one person at different times. Many people consider that owning extra vehicles is their contribution to the trade to allow people unable to afford to own vehicles but wanting to be involved to rent from them. The analysis suggests the owner-driver market is marginally larger than the rental market but that otherwise the split in vehicle operating models is almost equal between the two options (ignoring multiple use).

The Torbay industry remains complex. There are multiple owners in the hackney carriage fleet although the largest has just four vehicles (as in 2020). On the private hire side there are more multiple owners and larger fleets – the biggest being 21 (19) vehicles, followed by one with 18 (none 2020), one with ten (same 2020), and several others with six or less.

A small number of owners have both hackney carriage and private hire in their ownership. Many other vehicles are individually owned but choose to work for either the hackney carriage telephone network or private hire companies.

Internet searches suggest the principal large groups are:

- A company with 50 hackney carriages and a booking office with a rank outside
- A private hire company with 180 vehicles including ones outside the licensed vehicle system (minibuses under public service vehicle regulations) and an app
- A private hire company with over 50 vehicles and also an app

Whilst both private hire companies have hackney carriages operating for them these are understood to be fairly small numbers (albeit growing during the pandemic, but not clear how many have shifted back away from this option since).

Overall, the Torbay industry uses the full range of flexibility in operating models available.

WAV vehicles
The level of wheel-chair accessible (WAV) in both fleets have continued to decline to almost none in the hackney carriage fleet now. Notwithstanding this, with a dedicated private hire operator servicing most wheel chair requirements our view that there are sufficient vehicles with the majority of requirement well-met remains correct. Use of ranks by those with wheel chairs was relatively high and the level of WAV at ranks exceeded the proportion in the fleet although there is concern that more may appear WAV than actually are.

Low or zero emission vehicles
The level of hybrid, low or zero emission vehicles is low but growing. Further detailed analysis was not part of this Brief.

Rank observations
Details of the overall scope of the rank observations are provided above. In essence the authority seeks to follow the Best Practice Guidance by having regular review of the level of its hackney carriage licences. Like most licensing areas, Torbay has a large number of ranks, many of which ceased use, or significant use, as the geography and economy of the area changed and developed, and as people and trade focussed lower demand requirements on bookings. Busy ranks continued to see assistance from street marshals.

All known active ranks were observed for 72 hours from early Thursday 22nd June 2023 to the early hours of Sunday 25th September 2023. Schools were in full operation implying that any vehicles operating on school contracts were active on those.

All hours were observed at all ranks and a screening method applied to confirm:

- 41% (45% 2020) of observed hours were active (three or more hackney carriage movements per hour)
- 10% (12%) of hours saw light usage
- 49% (43%) saw no hackney carriage or passenger activity at all

The observations totalled 13,632 (13,213) different records of which 69% (70% 2020) were vehicle arrivals or departures. 92% (90.5%) of these were local Torbay hackney carriage vehicles. 6% (7%) were private cars, 0.3% (1%) private hire vehicles, 0.9% (1%) goods vehicles and 0.1% (0.5%) emergency vehicles suggesting generally good compliance with rank regulations in the area and showing marginal improvement since 2020.

Estimated weekly passenger numbers for this survey appear to almost the same as those in the last survey. In 2020 there was 21% reduction from the previous survey, but the previous two surveys both saw 18% growth between them. Resulting patronage remained above the levels observed in 2008 but beneath that observed in the more recent surveys.

Four ranks – Paignton, Brixham, Union Street and the Post Office roundabout rank all saw increases whilst Victoria Parade saw significant reductions.

The general picture of active times at ranks was very similar to the previous survey:

- Strand – almost 24/7/ rank but unused early Thursday, before 09:00 Friday and before 10:00 Saturday
- Victoria Parade – much lower usage and mainly weekday afternoons and a short period Saturday night
- Union Street – shopping period only
- Post Office Roundabout – shopping period only
- Brixham – daytime activity only
- Paignton – unused in early hours but this period much shorter at weekends, clearly a local rank far from dependent on allied station usage
- Cary Parade – booking office vehicle waiting that passengers take advantage of
- Torwood Street – unused
- Castle Circus - unused

Total passenger flows were compared over the last three surveys. All three days show a similar overall pattern of demand with each day seeing a dip in usage from 18:00 to 19:00. Average passenger flows showed further reduction (98, 2018, 94, 2020 and 91 in 2023). The peak to average ratio also continued to reduce, changing from 3.7 to 2.9 to 2.7 now. The peak hour remained 23:00 Saturday as it was in 2020. There is suggestion that hoped-for recovery of night life has not occurred to any significant level.

The detailed graph shows the continued dominance of the Strand rank, which is also the principal rank overnight. Paignton Station rank showed more weekend night demand than in 2020.

Unmet demand extent
Review of the delay information showed a significant increase despite overall demand levels being similar. For 2023, 36% (21% in 2020) of all observed hours had some observed passenger delay. Of these 61% (44%) saw that average passenger delay (APD) level one minute or more (shared over all travelling passengers in that hour).

Unmet demand appeared in varying ways at most ranks and was spread over different times and days and not in any systematic manner. Further discussion of the significance of this unmet demand is provided below.

Fleet activity
Over the three (two in 2020) days when fleet activity was reviewed, 72% (53% over 2 days in 2020) of the available hackney carriage fleet was observed. 24% (16%) were seen at more than one location. 55% of the fleet were only seen in Torquay locations, 12% (17%) only in Brixham, 10% (14%) only in Paignton suggesting the fleet were more active across the area in 2023.

The overall statistics suggest plenty of vehicles were available but not observed during our survey. This suggests no shortage of vehicles. However, other evidence suggests many may not have been available given reduced driver numbers working (see below). A review of the unobserved plates found 10% were inactive and in the process of changing their use, a third were known not to service ranks and focus on school work, with a further 29% known to service schools but also thought to service ranks in addition. Further implications of this is considered in the synthesis section as it is clear the lack of activity by hackney carriages at ranks has led to the significant increase in unmet demand levels.

WAV service levels
5% (7%) of all vehicles observed at ranks appeared to be WAV style, higher than the 2% (3%) in the fleet. 10 (13) people were observed accessing hackney carriages at ranks in wheel chairs. These were spread across the ranks with the main usage at The Strand. Those with other disabilities saw the highest level of usage at Union Street.

Overall, the level of usage by those with disabilities was high particularly in context of the very low number of hackney carriages that are WAV, and the fact that much of the provision is made by private hire vehicles through two specialist companies.

On street public views

The level of response to the on-street surveys remained low despite relaxation of COVID procedures that had reduced numbers in 2020. 64% (68% in 2020) of the target number were obtained, with most difficulty in the two smaller locations of Paignton and Brixham still being the case. 62% (75% last time) of the total said they were local.

The sample was compared to the census and it was found there had been a larger proportion of men and mid-age groups interviewed. This may favour more traditional hackney carriage usage in the responses. However, the bias was less than last time but in the same directions.

The proportion of respondents having made a recent trip by licensed vehicle was again reduced to the levels of the previous survey at 33% (37% 2020 and 35% 2017). There were changes again in the levels of usage of different kinds of vehicle, with the share for hackney carriage now increased to 40% (from 26% and 44% in the last two surveys). The main shift was away from use of both kinds of vehicle towards use of one type or the other.

In terms of frequency of usage 47% (45% in 2020) never used licensed vehicles with the overall level of trips per month significantly down to 0.4 (1.7 2020 and 1.3 2017). However, an increased percentage of this total used hackney carriages at 69% (58% 2020 and 54% 2017).

Respondents appeared to suggest an increase in usage of licensed vehicles from ranks but not from hailing with the increase continuing from the last two surveys but remaining on-trend. The estimate of 44% of trips by hackney carriage is less than that from the frequency information (69%).

The level of competition in the booked market appears to have increased since the last survey, with nine companies quoted compared to the five last time. Reduction in the number of quotes of the top company and the drop in quotes for the second and third companies (now fifth and seventh) suggests others have upped competition and the previous incumbents have lost out.

Two apps were quoted, one being national, although the national app was not mentioned in the company quotes. The app quoted was for the hackney carriage company although they had lost share in general quotes.

The level not remembering when they last used a hackney carriage had reduced from 58% in 2020 to 52% now. The level not having seen a hackney carriage was also reduced (3% from 9%) suggesting adding the livery has been beneficial.

The level of ranks known about but not used at 60% was similar to the response in the last survey (59% 2020 43% 2017). 58% named one rank (49% in 2020). A list was used to minimise use of different names. The Strand was most named (18%, 17% in 2020), with Union Street also getting 18% (14% 2020). Brixham increased share (13% from 5%) with others relatively similar to their share of quotes in 2020.

In terms of quotes of most used, Union Street came top with 25% of those naming it saying they used it with The Strand next at 24%.

Views of the last journey taken are generally good to very good with no very poor or poor scores at all, even for price. Driver knowledge scored best with 83% saying this was very good. However, the main item people said would increase usage, with some 70% saying they would use hackney carriages more if they had cheaper fares.

The question regarding disability suggests reduced need at this time compared to the previous survey, although the need now appeared to pure WAV style whereas last time it has shifted to wanting a range of types of vehicle.

Latent demand levels had reduced.

For this survey, 31% felt there were enough hackney carriages with 64% not sure and 6% saying there were not enough.

Two thirds said they did not know the difference between hackney carriages and private hire – another good reason why the livery is a good thing, although it clearly still needs promoting.

Key stakeholder views

There were no responses despite a wide trawl of potential stakeholders. This is not a serious issue given it is rare that such views overturn results from other elements. However, it does suggest there are no significant issues perceived that people wished to tell us about.

Trade views

An even stronger 37% (29% in 2020) response rate was obtained for the on-line driver survey. No evidence was found of any duplication. 52% (50%) of response was from private hire (who make up 64% of the vehicle fleet) and 42% (39%) hackney carriage, with the remainder being 25 (8%) who did not currently drive and 2% (3%) that drove both kinds of vehicle.

81% said the licensed vehicle trade was their only or main source of income. 7% said they worked part time with no other sources of income and 7% part time but with other income sources. 2% said they were not working but intended to return and 3% said they were no longer working and had no intention of returning to the trade.

Levels of experience were high, with the average being 12 (13) years but the maximum 48 (52) years. Hackney carriage drivers tended to have more experience on average (16 (13) years compared to 9 (9)) and for length of service (48 (52) years compared to 38 (37)). These figures suggest an element of retirement since the last survey particularly on the hackney carriage side.

For the full sample, 37% said their normal work saw them obtain work from immediate hire from ranks (same as 2020), 34% (31%) from immediate bookings and 22% (same) advanced hire (with 4% (same) chauffer or corporate and 3% (6%) not driving).

Overall most worked five days, but the average number of days was marginally higher for hackney carriage respondents. Average weekly hours were 46 (40) for hackney carriage, 41 (34) for private hire and 43 (35) on average. All these suggest drivers have responded to the need for more hours worked.

The main reason given for choosing when to work was now 30% family commitments (18% last time), then when contracts required (16%). 4% (5%) said they worked to avoid disruptive passengers with a further 5% (same) avoiding busy traffic.

A very high 77% (76% 2020) drove their own vehicle with a very much reduced 14% (27%) saying they shared a vehicle. 86% (same) said they accepted pre-bookings, a value slightly higher for hackney carriage (90%, and higher than the previous 87%) than for private hire respondents. 47% (53%) of bookings were via an office, 17% (29%) by phone, 15% by direct referrals, 3% for apps and 3% for contracts (replacing last times 7% by phone or email and 11% a mix of phone, email, contracts and apps).

The trade had their own names for the three main Torquay ranks. Top rank used was the Strand followed by Union Street, Victoria Parade, GPO roundabout, Brixham, Paignton, Cary Parade, Torquay Station, all very similar to 2020 but with no mention this time of the smaller ranks. Use of Victoria Parade was reduced from 17% to 8%, consistent with the rank usage information.

In terms of getting fares, 3% of hackney carriages said they did no rank work, one exclusively from school contracts, and the other from bookings but with the balance from hailing.

94% (same as 2020) answered the question about if the limit policy remained correct. Of these, 75% (91% last time) agreed. 93% of hackney carriages agreed with 57% of private hire.

Reasons the limit benefitted included 11% (35% 2020) saying preventing congestion at ranks and 8% (10%) that it provided known drivers to the public. 6% (8%) said the main benefit was to the trade but that this fed back to the public getting a good service.

When asked benefits of removing the limit, 46% of respondents used the question to reiterate they thought there was none. 25% suggested benefits including more vehicles, better public safety, less issues at ranks and overall better service. 7% said there would be initial benefit but once drivers realised they could not make a living worse results.

In general comments many said more drivers were needed and in particular more that worked nights.

Formal evaluation of significance of unmet demand

Use of the industry standard index of significance of unmet demand for the full main data set shows that all elements of the index apart from the latent demand factor (which has reduced) and the peak and seasonal factors (that have remained the same) have worsened in terms of identifying higher levels of unmet demand. The proportion of those travelling in hours when average passenger delay is over a minute is the element that has worsened most.

The full data set has unmet demand that in terms of the ISUD tool is well beyond 80 and therefore significant. This remains true when the two ranks with additional limits not under the control of the authority are removed, although the level reduces by around a third.

As in the last report, a review was undertaken as if each area operated separately. This suggests there has actually been improvement in the situation in Brixham but unlike in 2020 where Torquay ranks on their own did not have significant unmet demand, the test this time shows that they do, albeit having the best levels of service. Paignton has worsened significantly.

Further discussion is provided in the synthesis section below drawing this result in with other evidence.

Synthesis

Torbay retains a vibrant hackney carriage and private hire fleet providing well-used service to those with disabilities despite the very low number of vehicles specifically wheel chair accessible. Notably, demand is remarkably similar to 2020 which is a disappointment given hope for return to normality beyond the pandemic. However, this retention of demand is actually nationally a good result given many other authorities have seen very significant continued reduction in demand at ranks, some seeing up to halving of rank usage since pre-pandemic survey levels.

People interviewed about their usage of the service were generally even more well satisfied with the service provided than in 2020 and evidence was that latent demand had gone down again. Even though the number of WAV style hackney carriages was reduced, there was evidence that those available focussed on the ranks and a good number of people were observed accessing vehicles using wheel chairs. A much higher proportion were observed with other visible disabilities, with some evidence that more people now needed non WAV style vehicles to meet their needs. It is possible that the changes in the fleet observed may have reacted partly to customer demand.

The livery appeared to have increased the number of people saying they had seen a hackney carriage in the area (9% last time said they could not remember seeing them, just 3% now), and its importance is emphasised moving forward when the fact is noted that two thirds of people told us they did not feel they knew the difference between a hackney carriage and a private hire vehicle in Torbay.

The existence of the marshals is also showing benefit, with a marginal reduction in the level of drivers saying they avoided hours when passengers were more likely to be disruptive. However, there was a major shift driving when people worked towards working around family commitments, with that moving from 18% in 2020 to 30% now, a nationally observed change in habits of drivers.

The three areas of Torbay retain clear different operating practices and characters. Whilst this provides customer benefit in terms of people having more chance of knowing their driver, there are also issues that it reduces the pool of available vehicles to serve that demand. There was some evidence in this survey however that parochial working had reduced between 2020 and now, and that more of the vehicles focussing on an area were working than in 2020.

The overall fleet statistics show that the hackney carriage fleet has on paper remained available compared to the private hire side where vehicle numbers have fallen. However, as already noted, the value attached to the hackney carriage plate and their scarcity encourage retention whereas on the private hire side direct market forces act more promptly. What these statistics cannot show is people choosing not to use these assets, on either side of the equation, i.e. any available vehicle needs a driver, or drivers, to be able to operate. Nor are there any legal methods that people can be forced to provide the service for which they have licensed the tools from the Council.

What is true for overall use of vehicles and when / where they are used is also true for the length of time people choose to use them. National trends are that drivers are choosing to work hours that suit them and are less willing to work hours when they might risk awkward customers or damaged vehicles. This will be more true for anyone undertaking contracts that have become important to them. Further, contract payments and daytime working (often covering on booking circuits for lack of private hire vehicles / drivers) are often covering the minimum earn set by many drivers.

The pandemic heightened this wish to have better work-life balance across all industries (as demonstrated above by the increased level of drivers saying family commitments were their main reason to choose when they worked). Whilst hackney carriage plates, particularly where, as in Torbay there is a limited number, are meant to be used to service ranks and hailing, there is no stipulation that this must be the case. If people choose to use them to service contracts or not to service ranks, that is their prerogative. If people do not wish to service times when there is a higher likelihood of awkward customers that is only reasonable.

The evidence from the survey is that though overall total demand has not changed, service levels to the public have worsened. This implies there must be a change in supply which is not related to available vehicles per se but to use of those vehicles. This leads to the need to have a larger fleet to meet the same demands, although there is no way drivers can be made to work any particular hours or days.

Conclusion

On the basis of the evidence gathered in this unmet taxi demand survey for Torbay Council, our key conclusion is that there is evidence that the unmet demand for the services of hackney carriages either patent or latent that has been observed is significant at this point in time in the Torbay licensing area.

This has several repercussions:

- care is needed to ensure all available vehicles and drivers feel able to service future demand, as far as this is possible
- hackney carriage vehicles should primarily service ranks and hailing demand particularly given the evidence that service levels are poorer than they should be, but again there is no legal way to enforce this
- public safety must be compromised even if people are more willing to wait (as evidenced by the reduction in latent demand)
- the hackney industry must be harmed by having worse service levels

It would be normal in such situations for a calculation to be undertaken to identify the number of plates that might be needed to reduce the observed unmet demand beneath the cut-off level of 80, or to zero. However, this requires the assumption about vehicle usage being equal across the fleet to be correct, which in the current situation is far from certain, and in fact evidence suggests the principal reason for the strength of the unmet demand is a shortage of drivers' hours, not vehicles. Further, public evidence shows good levels of satisfaction and reduced latent demand that suggests public expectation was generally being met with some acknowledgment that service might not be normal at this time.

It must be reiterated that the present limit provides stability and vehicle retention in the hackney carriage element of the licensed vehicle fleet. On the private hire side, full allowance of market forces has meant vehicle numbers have reduced (and the cost of return to the market of such plates is much greater than if a vehicle is simply stood down). This confirms that retaining the limit is acting in the public interest, ensuring a higher level of vehicle availability than might have been the case had full market forces been able to bear on the hackney carriage element.

The worst issue is clearly partly related to the extra restriction on servicing the only rank in Paignton. We understand that changes coming will imply this restriction will be removed and a rank better located to service general demand provided. However, at best the impact of this change would need to be reviewed perhaps within six months of the change being made. What is not known, however, is when this change will occur and it may not do so. Further, attempts were made in the past to provide non-permit ranks in the area (and in fact some ranks do exist), but these were never used by the trade.

Marshals may need to remain at Paignton longer given that demand there has spread further into the night. Increase of night fares might help encourage more to work those hours.

It must be remembered that the unmet demand has arisen not from growth in passenger demand but at a time when this has remained effectively stable. And that much higher demand in 2018 was serviced by the same fleet without any unmet demand that was significant. This implies the level of patronage each vehicle services must have fallen.

However, the ultimate need is for an appropriate level of service to customers. The index is showing this is not occurring. If it is assumed that the current fleet is no longer able to provide the same level of service, there is argument that the size of fleet needs to be increased.

The conundrum is that new vehicles and drivers cannot be directed at any particular location or time, which could minimise the level of requirement. It also has to be assumed that any issue of plates would be taken up by people observing there was demand to be met. This might occur from the private hire fleet but that might result in simple transfer of supply, although there is no way of knowing if this did result in shortages for booked demand.

There are two routes forward if adding more plates is felt appropriate. One is managed growth, which would allow testing of impacts to ensure negative impacts did not result (which might be the case if new plates chose to service at times there were already sufficient vehicles and therefore reduce viability of the current plates). The other is removal of the limit leaving the hackney carriage system to find its own level (although there are options whereby testing could occur to check the impacts of new plates).

In both cases, public service levels resulting would still need to be reviewed to ensure public safety was maintained. This might take the form of firstly review of the number of applications for new plates, and their actual take-up.

Secondly, review of rank demand particularly at Paignton would be prudent within six months of issue of the new plates and their being in place. With a managed growth option, there is less risk as changes can be made to numbers whereas full removal of the limit would be harder to reverse or modify albeit not impossible.

The issue of requiring new plates to be more sustainable has been raised. Whilst this is laudable it has to be determined if the level of unmet demand is such that action is needed if it is appropriate to replace a numerical limit with a 'quality' one that nonetheless would have the impact of restraining possible needed extra provision. This is a debate for the regulator to determine its priorities. However, on balance we would suggest that improving public service overall is more important now than action to improve sustainability – the latter will occur in due course in any event, but public safety must take priority. Adding extra plates either by a limited number or by total removal of the limit with 'quality' controls (e.g. new vehicles WAV or electric or both) would be counter productive and overly restrictive at this time.

The matter of the level of extra plates needed is not an easy one, given that a wide range of parameters in operation have clearly changed. Were managed growth to be used, we would recommend that a tranche of 20 plates should lead to significant improvements although there is no guarantee this would occur. Further, the Paignton restriction may not allow extra plates to work there in any event, although the availability of the other ranks remains even though they may not be in the most practical location from some points of view.

The suggestion of 20 plates arises from a mix of a rough estimate of how many plates were not active at ranks at the time of the survey allied with the fact that higher levels of demand have been met satisfactorily with the present number of plates (including some being seasonal), although it is hard to judge the impact on active plate hours of the trends in changing driver behaviour which cannot be regulated.

The fact that some increase in plates active in Brixham has seen some improvement in public service is an encouragement, but much more remains necessary in improvement of service even there.

Page left intentionally blank

9 Recommendations

For the reasons explained above:

- Do nothing is no longer a possible alternative as it leaves the regulator open to criticism that it was aware of the potential risks of poor service and had ignored this
- Whatever option is chosen the value of a limited test of unmet demand at a key rank is worth considering (see Options 1 and 3 below)
- The worst location for service levels observed is Paignton, although if the rank there remains restricted testing at that location would be of less value (either Brixham or The Strand might therefore be chosen)
- Considering increasing night fares may assist
- Continuation of the marshals, and their services being extended at Paignton, is essential
- The livery, and promotion to the public of the differences between hackney carriages and private hire, remain essential elements of the future of the trade in Torbay
- Add 20 extra hackney carriage vehicle licences and undertake a further test of level of service within six months of all these new licences being issued. This test would best be applied at Paignton with the rank observed for 72 hours minimum (but not between November and March when demand is lower). The only proviso would be if the Paignton rank remained permit controlled in which case either Brixham or The Strand ranks could be tested (Option 1)
- Remove the numeric limit on hackney carriage vehicle licences but add quality controls such as new plates WAV or electric (Option 2)
- Remove the numeric limit on hackney carriage vehicles and add testing as Option 1 (Option 3)
- Remove the numeric limit on hackney carriages. (Option 4).

Further detail on the rationale behind options is provided in the previous chapter.

-