

Meeting: Regulatory Committee **Date:** 18 July 2024

Wards affected: All

Report Title: Results of Unmet Demand Study of Taxis in Torbay 2023 and the public consultation in 2024

Cabinet Member Contact Details: Councillor Tranter, Cabinet Member for Adult and Community Services, Public Health and Inequalities.

Director Contact Details: Joanna Williams, Director of Adults and Community Services

1. Purpose of Report

- 1.1 This report details the outcome of an unmet demand survey commissioned by Torbay Council in response to the guidance issued by the Department for Transport (DfT). At the time of commissioning this survey, the Best Practice guidance stated that a quantity control study of unmet taxi demand should be undertaken every three years. Section 9.3 of the updated Best Practice Guide has since been updated and now states that this should be undertaken at least every five years.
- 1.2 Members are asked to consider the recommendations contained within the consultant's report in respect of quantity control and the results of the 12-week public consultation and make a decision whether or not to deregulate the current quantitative (numerical) limit on hackney carriages in Torbay.
- 1.3 Members are also asked to consider amending the Hackney Carriage and Private Hire Licensing Policy, (hereinafter referred to as 'The Policy'), dependant on the outcome of their decision at 1.2. This includes not enforcing a section of the Policy, along with Appendix K from the Policy (criteria to be considered in the allocation of Hackney Carriage vehicle proprietors licence waiting list).

2. Reason for Proposal and its benefits

- 2.1 In June 2004 the Department for Transport wrote to all Local Authorities who had a quantitative limit on the number of hackney carriage taxi licences it issued, to require them to review this restriction and publish an outcome by 31 March 2005. Torbay Council conducted a thorough review and it retained a numerical limit.
- 2.2 Where a Council continues to restrict the numbers of hackney carriages, the Department for Transport requires a three yearly review of its Policy, with published conclusions and a justification of the Policy in the five-yearly Local Transport Plan process. To meet this requirement, further studies have been carried out every three years from 2007 to date.
- 2.3 To comply with the three yearly requirement, Torbay Council engaged the services of a company called Licensed Survey Vehicle & Assessment (LVSA) to undertake the seventh of these unmet demand studies in 2023. Their study included rank observations, on street interviews, discussions with user groups and stakeholders and a questionnaire sent to all Hackney Carriage and Private Hire drivers and vehicle licence holders.
- 2.4 From the results of this survey, it has been identified that passenger demand has fallen by 0.4% from the last survey carried out in 2020. However, 48% of those passengers experienced a delay of over a minute compared to just 18% in 2020. In 2018 when there was no unmet demand, passenger delay was 5%.
- 2.5 A definition of significant unmet demand is covered in section 7 of the unmet demand survey, at Appendix 1.

Significant Unmet Demand (SUD) has two components:

- Patent demand – that which is directly observable; and
- Latent demand – Where somebody has not waited, due to unavailability at time of need

Patent demand is measured using rank observation data. Latent demand is assessed using data from the rank observations and public attitude interview survey. Both are brought together to provide an Index of Significant Unmet Demand (ISUD).

If the ISUD value rises above the cut-off figure of 80, it indicates there is Significant Unmet Demand and steps must be taken to ensure public service is returned to levels agreed by the ISUD methodology.

- 2.6 The results of the 2023 survey have found that the ISUD level is currently at 1801.26, well above the cut-off figure of 80. This is an 806% increase on the ISUD figure from the 2020 survey and an increase of 3755% from the 2018 survey when there was no significant unmet demand. The conversion of the 7 seasonal Hackney Carriage licences to full time licences following the 2020 survey was an attempt to bring the ISUD figure down to the cut-off figure of 80. This has not succeeded, and unmet demand has risen significantly further.
- 2.7 A public consultation was undertaken for 12 weeks from 26 February 2024 to 19 May 2024. 200 people responded to the consultation and 57% responded that the limit should be removed.

3. Recommendation(s) / Proposed Decision

1. That the current quantitative limit of Hackney Carriage licences be removed, and the wording found at section 14.1 of the Policy is not enforced and removed, following a full review of the Policy which is due at a later date in 2024.
2. That Appendix K from the Policy (criteria to be considered in the allocation of Hackney Carriage vehicle proprietors licence waiting list) not be enforced and removed, following a full review of the Policy which is due at a later date in 2024.

Appendices

- Appendix 1 Torbay Council unmet taxi demand survey November 2023
- Appendix 2 Torbay Council unmet taxi demand consultation results and comments

Background Documents

The following documents/files were used to compile this report:

Torbay Council's Hackney Carriage & Private Hire Licensing Policy 2022

DFT: Statutory Taxi and Private Hire vehicle standards 2020

DFT: Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

DFT: FS13 Future of Transport – Equalities and access to opportunity September 2020

1. Introduction

- 1.1 There are 314 Local Authorities in England. The Taxi and Private Hire Statistics England 2023, advised that 72 licensing authorities (25% of licensing authorities with taxi's) applied a limit on the numbers of licensed taxi's with a further 8 setting limits either for some of the areas they covered or some vehicle types (Taxi and private hire vehicle statistics, England: 2023 - GOV.UK (www.gov.uk)).
- Torrige is the only one of the eight district authorities in Devon that has retained a limit (49 HCVs). The unitary Authorities in Cornwall and Plymouth have removed their limits in the last two years.
- 1.2 In June 2004, the Department for Transport wrote to all Local Authorities who had a quantitative limit on the number of hackney carriage taxi licences it issued, to require them to review their restriction and publish an outcome by 31 March 2005. Torbay Council conducted a thorough review and it retained a numerical limit of 162 hackney carriage licences (plus 7 seasonal licences).
- 1.3 The Department for Transport makes clear the Government's position on quantity restrictions within section 9 of the Best Practice Guidance and advises that *'the grant of a taxi licence may be refused for the purpose of limiting the number of licensed taxis if, but only if, the licensing authority is satisfied that there is no significant unmet demand for taxi services in their area. In the event of a challenge to a decision to refuse a licence, the authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand'*. It also advises that *'Most licensing authorities do not impose quantity restrictions. The department regards that as best practice'*.
- 1.4 The Department for Transport outlines in section 9.2 of the guidance, that where restrictions are imposed, the department would urge that the matter should be regularly reviewed and should be approached in terms of the interests of the travelling public. Section 9.5 advises that Licensing authorities should consider a number of questions when considering quantity controls. These questions have been covered by the Unmet Demand Survey and the findings of the public consultation as outlined in this report and the recommendation to remove the limit has been proposed as a result.

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1.5 The Competition and Markets Authority (CMA) became the UK's lead competition and consumer body. The CMA brought together the competition and consumer protection functions of the Office of Fair Trading and the Competition Commission in April 2014. In April 2017, the CMA was clear in their guidance on the Regulation of Taxis and Private Hire vehicles: *Understanding the impact of competition that quantity restrictions are not necessary to ensure the safety of passengers, or to ensure that fares are reasonable and that they can harm passengers by reducing availability, increasing waiting times and reducing the scope for downward competitive pressure on fares.*

A delimitation would allow free entry to the market and may reduce the rental costs of vehicles, thereby reducing overheads and assist in obtaining a sustainable income for drivers. CMA and Department for Transport have claimed that increased competition would reduce fares for passengers, improve availability, and reduce waiting times.

1.6 In order to comply with the three yearly requirement, Torbay Council has continued to carry out unmet demand surveys, with surveys being carried out in 2011, 2014, a delayed survey in 2018 and its last survey being carried out in 2020. All the surveys up to and including 2018 found no evidence of significant unmet demand, however, in the 2020 survey significant unmet demand was found. The numerical limit was retained, but the 7 seasonal hackney carriage licences were extended to full time licences meaning the limit went from 162 full time licences and 7 seasonal (1 May – 30 September) to 169 full time licences, this was done in an attempt to reduce the significant unmet demand.

1.7 In 2023 the seventh unmet demand survey was commissioned. LVSA were successfully appointed and have a wealth of experience having carried out surveys for 106 different Local Authorities since 1989. Their survey included 607 hours of rank observations, 128 on street interviews, discussions with user groups and stakeholders and a questionnaire sent to all Hackney Carriage and Private Hire drivers and vehicle licence holders.

1.8 Rank observations were taken across the 10 most used ranks, 8 in Torquay and 1 in each of Paignton and Brixham. The total hours of observations were 607, which comprised of 466 hours in Torquay, 71 at Paignton Station and 70 at Brixham, Bank Lane.

1.9 Section 3 of the unmet demand survey highlights the results of the rank observations. The rank observation programme covered a period during June 2023, and this showed an estimated passenger demand of 13,713 passengers, representing a 0.4% reduction on the 2020 survey. Passenger numbers have not increased as expected following the last survey carried out in 2020, which was taken during the pandemic with restrictions on key businesses.

1.10 It should be noted that in section 7 of the report, it identifies a further increase in off peak hours, where there is a delay. This has risen from 30.6 hours in 2018 to 35 hours in 2020

and has increased further in 2023 to 43.3 hours across all ranks. Additionally, 48% of passengers experienced a delay of over a minute (the level where unmet demand may be considered significant), this is significantly up on the last survey in 2020 which was 18% and in 2018 which was 5%.

- 1.11 When the survey in 2023 was undertaken there were a total of 169 hackney carriages available. During the three-day rank observations, a total of 72% of the active available fleet were observed as part of the survey. This was an increase of 19% compared to 53% observed over a two-day period during the 2020 survey.
- 1.12 Section 7 of the report provides a definition of significant unmet demand derived from experience of over 255 unmet demand studies since 1985. This leads to an objective measure of significant unmet demand that allows clear conclusions regarding the presence or absence of this phenomenon to be drawn. Significant Unmet Demand (SUD) has two components:
- Patent demand – that which is directly observable; and
 - Latent demand – Where somebody has not waited due to unavailability at time of need
- Patent demand is measured using rank observation data. Latent demand is assessed using data from the rank observations and public attitude interview survey. Both are brought together to provide an Index of Significant Unmet Demand (ISUD).
- If the ISUD value rises above the cut-off figure of 80, it indicates there is Significant Unmet Demand and steps must be taken to ensure public service is returned to levels agreed by the ISUD methodology.
- 1.13 The findings from the 2023 survey have found that the ISUD level is currently at 1801.26, well above the cut-off figure of 80. This is an 806% increase on the ISUD figure from the 2020 survey where the ISUD level was 198.89. This also shows an increase of 3755% from the 2018 survey when there was no significant unmet demand. The conversion of the 7 seasonal hackney carriage licences to full time licences following the 2020 survey was an attempt to bring the ISUD figure down to the cut-off figure of 80. This has not succeeded, and unmet demand has risen significantly further.
- 1.14 A summary from the consultant can be found in section 8 on page 64 and states the following: *‘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’.*

1.15 Page 64 of the unmet demand survey, states “... *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.*” And on page 68: “*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.*” A full copy of the LVSA report can be found at Appendix 1.

1.16 Recommendations from the consultant can be found at section 9 (page 71) and states the following:

- 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).

1.17 Further to the recommendations as listed above, the consultant states the following:

- **Adding 20 additional hackney carriage vehicle licences**

“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.”

There is no guarantee that the additional 20 hackney carriage vehicle licences will meet the public demand and ensure that a satisfactory public transport service is being provided. In 2020 the 7 seasonal hackney carriage vehicle licences were converted to full time licences to reduce the rising ISUD figure, however, this has not rectified the problem. The problem has increased by 806%.

Further to this, the Licensing Authority cannot direct those additional hackney carriage vehicle licences to work at certain ranks, or, at certain hours of the day to meet the public demand.

- **Remove numerical limit on hackney carriage vehicle licences but add quality controls.**

We have considered two types of quality controls below:

1. Wheelchair Accessible Vehicles (WAV's)

Page 18 of the Torbay Unmet Taxi Demand Survey 2023 advises “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.”

The Council could look at increasing the number of WAV vehicles in its fleet, however these are very expensive vehicles to purchase and run. They also have higher emissions and there are currently very few affordable electric WAV vehicles. Wheelchair users account for less than 8% of the 11 million people in the UK with a disability and less than 1.9% of the

general population. Not all wheelchair users are completely bound to their chairs. Some people require one not because they are unable to walk but because they are unable to walk very far. They often prefer the comfort of sitting in a normal car seat. They may require assistance getting in and out of the car with the wheelchair being stowed in the boot but not as much as a wheelchair bound passenger who would require the driver to wheel them into the vehicle using the ramp and securing the chair in the vehicle. Some people with a disability find it hard to enter a WAV vehicle due to the high ground clearance, making boarding and alighting from the vehicle more difficult (PHTM Dec 21 - [PHTM December 2021 Issue 351 :: 30 \(yudu.com\)](#)).

It is likely that by removing the limit, this will assist disabled passengers accessing a vehicle in addition to the rest of the public, and it is hoped that it may encourage more investment in some larger WAV vehicles in the future.

2. Electric (zero emission) vehicles

Page 58 of the Torbay Unmet Taxi Demand Survey 2023 states *“The level of hybrid, low or zero emission vehicles is low but growing. Further detailed analysis was not part of this Brief.”*

Appendix K was added to the Policy in 2020 allowing potential applicants to register for the hackney carriage waiting list for new, or re-issued vehicle proprietor licences which would allow zero emission vehicle only onto the fleet. At the time of writing this report, there is only one applicant on the waiting list showing there isn't currently a desire for proprietors to purchase electric or zero emission vehicles. There are currently very few electric charging points in Torbay. There are some chargers planned to be installed this year, however the majority of the planned chargers will not be in place for at least the next 1 – 2 years.

Further to this the author of the Survey goes on to say on page 69:

“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.”

2. Options under consideration

- 2.1 The options in relation to the unmet demand survey are:
- (i) To do nothing and retain the 169 hackney carriage vehicle licences, if satisfied the numerical limits are correct and public demand is being met; or
 - (ii) To remove the numerical limit of hackney carriage vehicles
- 2.2 The options in relation to changing the Policy at section 14.1, are as follows (dependant on the outcome of the decision made at A3.1 above):
- (i) Disregard the wording at section 14.1 of the Policy and remove this during a full Policy review at a later date in 2024, as recommended.
- 2.3 The options in relation to Appendix K from the Policy (criteria to be considered in the allocation of hackney carriage vehicle proprietors licence waiting list), are as follows (dependant on the outcome of the decision made at option A3.1 above):
- (i) Disregard Appendix K from the Policy and remove this during a full Policy review at a later date in 2024, as recommended.

3. Financial Opportunities and Implications

- 3.1 If the limit remains, then there will be financial implications for the hackney carriage vehicle proprietors as an additional unmet demand survey will have to commence, which will cost around £15k and this will result in an increase in the fees to cover this cost.

4. Legal Implications

- 4.1 The unmet demand survey shows there is a significant unmet demand and therefore if the limit remains, this is open to challenge if the Council refuse to grant a hackney carriage vehicle licence and any appeals would be a costly process.

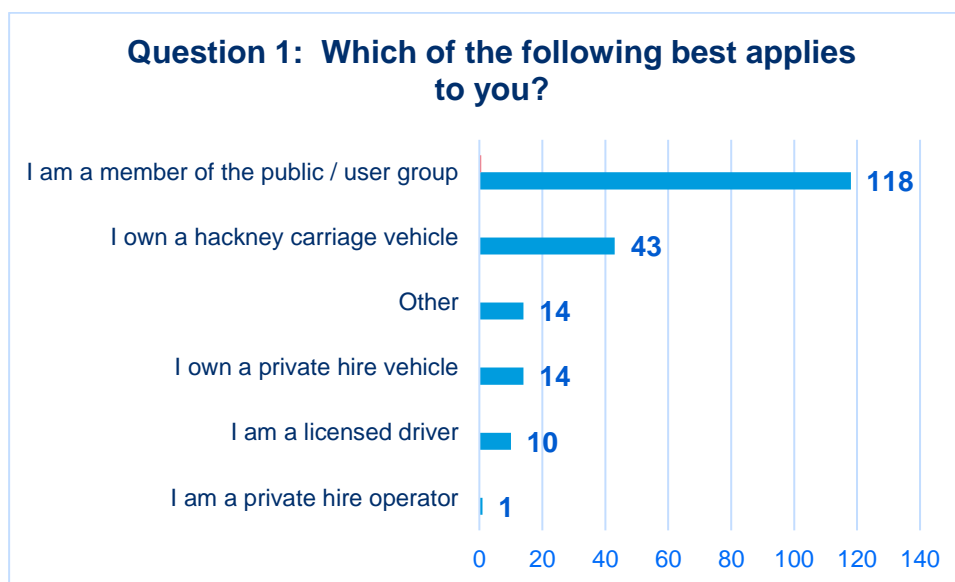
5. Engagement and Consultation

- 5.1 On 26 February 2024, Torbay Council launched a 12 week consultation which ran until 19 May 2024 with the taxi and private hire trade, businesses in Torbay, stakeholders, disability groups, groups that represent passengers with special needs, school transport, resident associations, street pastors, faith groups, the Police, and the general public. The purpose of the consultation was to get the views on the preferred two options from the consultant's

recommendations found at section 9 of the unmet demand survey. Those two options are to retain the numerical limit of 169 hackney carriage licences or remove the numerical limit.

The consultation received a total of 200 responses.

Question 1 asked what position best applies to them. The largest response was from members of the public and user groups with 118 responses which accounted for 59% of the total responses. Only 25% (43) of the 169 hackney carriage vehicle owners responded.



Option	Total	Percent
I own a private hire vehicle	14	7%
I own a hackney carriage vehicle	43	21.5%
I am a licensed driver	10	5%
I am a private hire operator	1	0.5%
I am a member of the public / user group	118	59%
Other	14	7%

Question 2 asked 'Have you read the unmet demand study carried out by LVSA?'. 169 out of 200 people responded saying yes, which accounts for 85% of the total responses.

Option	Total	Percent
Yes	169	85%
No	31	15%

Finally, **question 3** asked if the limit of 169 hackney carriage vehicle licences in Torbay should be changed? Out of the 200 responses, 113 people responded saying to remove the limit, this is 57% of the total responses.

Option	Total	Percent
No - retain the limit	87	44%
Yes - remove the limit	113	56%

5.2 Whilst it is not unlawful to remove the limit on Hackney Carriage Vehicle numbers; we do need to ensure this decision was not unreasonable on 'Wednesbury' grounds and consider the following matters in line with the responses received through the consultation.

A full list of the results and comments from the consultation can be found at Appendix 2.

- **A full and genuine consultation must take place before the decision to delimit is taken.**

A 12-week public consultation has been undertaken and the results are contained within this report.

- **Consideration to the financial impact on an existing licence holder who may have invested in their licence, however provided that is done, commercial impact alone is not a ground for challenge.**

In the past, there were concerns that existing vehicle proprietors would lose the unofficial premium placed on their vehicle licence if delimitation occurred. For many proprietors this is seen as an investment to be realised on retirement or when leaving the trade. Those with multiple vehicles will have made a substantial investment. However, based on officers' conversations with vehicle proprietors, the current monetary value of the plates has significantly dropped over the last fifteen years. However, people do continue to purchase the plated vehicles at a premium and this indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. We currently have one person on the waiting list for a hackney carriage vehicle.

- **The potential reduced custom for existing licence holders**

There is a demand during the day and night-time hours across Torbay. Page 28 of the LVSA report advised that '*passengers experienced waits for Hackney Carriages suggested this was spread over time and not concentrated on anyone period of the day or week*'. This is supported by the comments in the consultation including a number of hotels and bed and breakfast owners who have advised they have struggled to get taxis

for their guests and the wait times have been unacceptable. Therefore, any new licence holder would need to consider the work available and decide the best hours and town to work to suit themselves and the customer demand.

- **Congestion on Hackney Carriage stands**

An increase in Hackney Carriage Vehicle's may give a potential for congestion and over ranking, however this is unlikely due to the lack of Hackney Carriage Vehicle's across the three towns in Torbay and the lack of availability during the day and night and the market would settle out over time. There are a number of ranks across Torbay that are not used and regular reviews will be undertaken to ensure a suitable number of ranks are provided in the best location to meet the needs of the drivers and the travelling public. Officers will continue to work with other Council departments to ensure that taxi rank provision is considered for any new major developments.

- **Congestion on roads generally**

There is currently no limit on Private Hire Vehicles. There has been a 15% (41) increase in vehicle licences in the past 2 years and a 21% increase (54) in vehicle licences since 2017, therefore any further increase is unlikely to affect congestion especially as the vehicles can work across the three towns.

- **Benefits to the travelling public of additional vehicles**

By removing the limit, this will increase the availability of vehicles. If there are more vehicles available, then it is hoped that there would be more drivers willing to work and would reduce the length of time that customers have to wait at ranks and would encourage customers to use public transport to get home safely.

There were also a number of comments about not feeling safe when having to wait long periods for taxis. Some comments referred to a lack of wheelchair accessible vehicles, especially during the day when many undertake school transport work.

As advised in 1.21 above, fully Wheelchair Accessible Vehicles are very expensive and there is currently limited funding available to support proprietors to purchase these. However, it is likely that by removing the limit, this will assist disabled passengers accessing a vehicle in addition to the rest of the public, and it is hoped that it may encourage more investment in some larger WAV vehicles in the future.

- **The opportunity for others to become involved in the trade as a means of securing a livelihood**

Since Covid-19, a number of drivers have left the trade. If they wish to return in the future as a licensed driver operating a Hackney Carriage Vehicle, then they will be able

to without having to rent or find a plated vehicle to purchase, which they would currently due to the quantity restrictions. We also want to encourage new drivers to join the trade and this would give drivers the choice of whether they wish to drive a private hire or hackney carriage vehicle. Delimitation would allow free entry to the market and may reduce the rental costs of vehicles, thereby reducing overheads and assisting in obtaining a sustainable income for drivers.

- **The costs of commissioning a survey**

There are cost implications if we wish to keep the limits on the number of Hackney Carriage Vehicle's and another unmet demand survey would need to be completed within 5 years. The report also recommends carrying out another survey in 6 months if the limit is kept. This costs approximately £15,000 every five years and would need to be funded through the Hackney Carriage Vehicle account, which is paid for in the vehicle licence fee by vehicle proprietors.

- **The costs of defending appeals against refusals to grant licences either with or without a survey.**

Defending any appeal is a costly process. We would not have to be concerned about this if a limit did not exist.

- **The effect on Hackney Carriage Vehicle quality**

The current Taxi Policy is working towards a cleaner emissions Policy. The market will find a level for the number of hackney carriages which Torbay can sustain.

6. Procurement Implications

- 6.1 There are no procurement implications, however if a further unmet demand survey was decided to be required, the procurement process will be followed as required for all surveys.

7. Protecting our naturally inspiring Bay and tackling Climate Change

- 7.1 The current Taxi Policy is working towards a cleaner emissions Policy and is due to be reviewed to ensure it is in line with government recommendations.

If the limit is removed, there is the potential to have an impact on the climate due to an increase in hackney carriage vehicles across Torbay. However, there is no limit to the number of private hire vehicles, nor restrictions of any other public vehicles. Any new vehicles would have to meet our vehicle specifications and be no more than 4 years old and a maximum mileage of 50,000 miles. From 1 May 2030, our current policy requires all new vehicles must be electric. We currently do not have a suitable infrastructure of electric

chargers to support the taxi and private hire trade and therefore it would not be appropriate to restrict any new licences to be electric vehicles if the limit was removed. A number of vehicle proprietors purchase hybrid vehicles and those less than 4 years old will be much cleaner and more efficient to run than existing older vehicles.

8. Associated Risks

- 8.1 Approval to remove the numerical limit of hackney carriage vehicles and amend the Policy accordingly is a Licensing Committee decision. Any challenge to the Policy would have to take place within three months of it being adopted. Such challenge would be by way of Judicial Review.

The findings of this unmet demand survey have been calculated using a tool developed by Leeds University in 1985 and has been added to over time following specific court cases. In 2019 there was three challenges with respect to surveys of unmet demand. All three found in favour of the current methodology being undertaken, the same methodology which was used in producing the outcome of this latest survey.

- 8.2 As outlined in 4.1 above, the unmet demand survey shows there is a significant unmet demand and therefore if the limit remains, this is open to challenge if the Council refuse to grant a hackney carriage vehicle licence and any appeals would be a costly process.

9. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	<p>Public transport, including taxis play a crucial role in helping people to stay connected and maintain independence when they are unable to drive, and are therefore of particular significance to older residents aged over 65 and to younger people who may not have access to a car. Aging is linked with reduction in personal car use and people being more reliant on taxis especially as it is a door-to-door service. The availability of public transport is also very important to all adults and parents who do not have a car for work and social activities.</p>	None	N/A
Carers	<p>At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.</p>	<p>These proposals are not intended to impact on this client group, however those caring for others with protected characteristics may be affected with this proposal as outlined in this table. Removing the limit will mean there are more taxis available and are likely to assist carers.</p>	None	N/A

Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	<p>It is hoped that by removing the limit, there will be more taxis available for the public including those with a disability. The Council have a register of all wheel chair accessible vehicles at Helping disabled passengers - Torbay Council</p> <p>All licensed vehicles must also carry assistance dogs.</p> <p>Taxis are particularly important method of transport for people with a disability because of the door-to-door nature of the service.</p>	Any discriminatory complaints received are fully investigated	Licensing Officers and Police Officers
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	These proposals are not intended to impact on this client group. The DFT FS13 report highlights how discrimination is part of daily life for trans people and generates 'behaviours of avoidance', particularly to using public transport. This can potentially reduce this groups pool of wider employment, educational, health and recreational opportunities. Removing the limit and increasing the number of taxis may improve confidence in travelling safely.	Any discriminatory complaints received are fully investigated	Licensing Officers and Police Officers
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	These proposals are not intended to impact on this client group, however increasing the number of taxis by removing the limit, will make transportation more available and safer for all.	Any discriminatory complaints received are fully investigated.	Licensing Officers and Police Officers

Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	These proposals are not intended to impact on this client group, however increasing the number of taxis by removing the limit, will make transportation more available and safer for all. The DFT FS13 report identified that public transport plays a vital role in supporting social inclusion for many parents with young children.	Any discriminatory complaints received are fully investigated.	Licensing Officers and Police Officers
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	These proposals are not intended to impact on this client group, however, the DFT FS13 report identifies that ‘people from BAME background are less likely to have access to a private vehicle, be more reliant on public transport to access employment and live in densely populated urban areas – increasing their exposure to air pollution’. Furthermore ‘for many people from a BAME background having regular, affordable, clean and efficient transport is essential’. Fear of safety, from racially motivated attacks, is also reported to be a barrier to using public transport networks. Removing the limit and making more taxis available may assist.	Any discriminatory complaints received are fully investigated	Licensing Officers and Police Officers
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	These proposals are not intended to impact on this client group, however the DFT FS13 report identifies that certain groups of people, face an increasing risk of being victims of religious hate crime. For people who have a marked religious	Any discriminatory complaints received are fully investigated	Licensing Officers and Police Officers

		<p>identity through clothing there is a heightened risk for harassment or discrimination. It is reported that this is particularly true for women who are already more vulnerable regardless of the way they dress. Removing the limit and increasing the number of taxis will hopefully assist.</p>		
Sex	<p>51.3% of Torbay's population are female and 48.7% are male</p>	<p>These proposals are not intended to impact on this client group.</p> <p>However, the DFT FS13 report identifies that 'as women are more likely than men to live on low incomes, work part time and undertake paid work in the home and in the community, such as being carers for dependent relatives, poor quality unreliable and expensive transport has a far bigger impact on he lives of women'. The report also identified that women may not have access to a car during the day as they 'either cannot afford one or the family car is being used by a partner'. The F13 report also identifies women make greater use of taxi's than men, increasing with age, where women over 70 make double the amount of trips than men.</p> <p>Removal of the limit is particularly important in the evening and night time economy and to protect violence against women by providing a safe means of transport home, instead of other less</p>	<p>Any discriminatory complaints received are fully investigated</p>	<p>Licensing Officers and Police Officers</p>

		safe methods such as walking alone late at night or using unlicensed vehicles.		
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	These proposals are not intended to impact on this client group. However the DFT FS13 report identifies that safety and security (and perceptions of them) are key for lesbian, gay and bisexual people and may influence how they choose or prefer to travel. It also says that a 2018 LGBT survey pointed to public transport as the most common place where respondents avoided being open about their sexual orientation and that it may even be avoided altogether. Removing the limit and making more taxis available may assist.	Any discriminatory complaints received are fully investigated	Licensing Officers and Police Officers
Veterans	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously serviced in the UK armed forces.	These proposals are not intended to impact on this client group, however increasing the number of taxis by removing the limit, will make transportation more available and safer for all.	Any discriminatory complaints received are fully investigated	Licensing Officers and Police Officers
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)	N/A	Taxis are one of the more expensive forms of public transport. However an increase in taxis may help keep the costs down as currently there is a high demand so private hire vehicles in particular increase their rates on a frequent basis. The taxi tariff (table of fares) is reviewed	N/A	N/A

		regularly to ensure it provides a viable income but also a reasonable cost to the public.		
Public Health impacts (Including impacts on the general health of the population of Torbay)	N/A	There is no differential impact.	N/A	N/A
Human Rights impacts	There are no human rights impact with regards to the taxi tariff.	No negative impacts on human rights have been identified.	N/A	N/A
Child Friendly	Torbay Council is a Child Friendly Council and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	There is no differential impact.	N/A	N/A

10. Cumulative Council Impact

None

11. Cumulative Community Impacts

None