

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

26 March 2024

Report of the Interim Chief Executive

Part 1- Public

Delegated

1 UNMET DEMAND SURVEY - HACKNEY CARRIAGE VEHICLES

1.1 Executive Summary

1.1.1 Over the last few years, the number of licensed hackney carriage vehicles working out of Tonbridge Waterloo rank has grown resulting in very long waiting times queuing on the rank waiting for a fare. As of the 12 March 2024 Tonbridge & Malling currently has 173 hackney carriage vehicles licensed.

1.1.2 The last occasion the Licensing and Appeals Committee discussed an Unmet Demand Survey was on the 19 March 2014.

Number of Hackney Carriage Vehicles

| Date | 19 Mar 14 | 18 Dec 19 | 8 Mar 21 | 14 Mar 22 | 13 Mar 23 | 12 Mar 24 |
|--------|----------------------------|-----------------|----------------|-----------|-----------|-----------|
| Notes | Last review of HCV numbers | Before Lockdown | Roadmap Step 1 | | | |
| Number | 180 | 179 | 140 | 139 | 144 | 173 |

Number of drivers

| Date | 19 Mar 14 | 18 Dec 19 | 8 Mar 21 | 14 Mar 22 | 13 Mar 23 | 12 Mar 24 |
|--------------------------|----------------------------|-----------------|----------------|-----------|-----------|-----------|
| Notes | Last review of HCV numbers | Before Lockdown | Roadmap Step 1 | | | |
| Hackney Carriage Drivers | 169 | 99 | 79 | 66 | 64 | 61 |
| Dual Drivers | 112 | 178 | 165 | 162 | 175 | 197 |
| Private Hire Drivers* | 247 | 456 | 402 | 372 | 359 | 366 |
| Total | 528 | 733 | 646 | 600 | 598 | 624 |

*Private Hire drivers do not take part in an Unmet Demand Survey

1.1.3 The neighbouring Licensing Authorities of Tunbridge Wells Borough Council and Maidstone have a fixed limit as to the number of Hackney Carriage Vehicles that are allowed to be licensed. Sevenoaks District Council does not have a restriction; however, you need a station permit to work on the main Sevenoaks Station rank.

- 1.1.4 The situation at Waterloo Road is further exacerbated by the economic climate where drivers are working longer hours and some hackney carriage vehicles are being worked longer with multiple drivers.
- 1.1.5 Before a Licensing Authority can restrict the number of hackney carriage vehicles to be licensed a detailed robust survey has to be commissioned to determine to assess hackney carriage services throughout the Borough.
- 1.1.6 To gauge opinion from the current licensed hackney carriage drivers and dual badge holders a Teams survey was set up asking stakeholders if they would like an Unmet Demand Survey to be undertaken. It was clearly pointed out to all respondents of the questionnaire that this survey would have to be paid for by the hackney carriage and dual drivers through their fees.
- 1.1.7 The survey was hosted on the Teams software, enabling all drivers to immediately respond via their mobile phones / laptop. As of the 12 March 2024 the licensing team have received back 57 (25.56%) responses from 223 that were sent out. 45 (79%) want a survey to be commissioned against 12 (21%) who do not.

| Survey | Sent out | Returned | % | Want a survey | % | Do not want a survey | % |
|--------|----------|----------|--------|---------------|-------|----------------------|-----|
| 2014 | 223 | 57 | 25.56% | 45 | 79% | 12 | 21% |
| 2024* | 261 | 51 | 19.54% | 35 | 68.6% | 15 | 29% |

*One Private Hire driver responded who could not take part in an Unmet Demand Survey

1.2 Background

- 1.2.1 Under the Transport Act 1985, Local Authorities are only able to limit the number of Hackney Carriage Proprietors licences issued if there is no '*significant unmet demand*'. The existence of the concept of 'significant unmet demand' must be determined through robust statistical analysis as any decision to limit the number of licences may be open to detailed scrutiny by the Courts should the Committee's decision be challenged. Such surveys are normally conducted every three/four years.
- 1.2.2 A refusal to grant a Hackney Carriage Proprietor's licence, on the grounds of the numbers of Hackney Carriages within the area could only be justified if the Council could demonstrate that there is no significant demand which remains unmet for Hackney Carriage vehicle services.
- 1.2.3 Significant unmet demand is made up of two components:
- Patent demand – which is directly observable from observing queues and waiting time and the ranks; and

- Latent demand – calculated using data from the rank observations and public attitude information gleaned from the survey.

Unmet Demand Survey

1.2.4 The key elements of an Unmet Demand Survey are to:

- Review of relevant policies:
- Extensive rank observations and audits
- On street interviews
- Consultation
- Benchmarking against other authorities

1.2.5 The research will focus on:

- customer need and expectation
- the existence and significance of unmet demand
- service quality
- safety
- vehicle types
- vehicle designs
- accessibility

1.2.6 Target groups include:

- customers
- potential customers
- individuals
- groups
- organisations on whom the hackney carriage service impacts
- managers with whom the hackney carriage trade interacts.

Cost of an Unmet Demand Survey

1.2.7 A survey could cost between £14,000 - £17,000 to be completed and will have to be paid out of future fees. This would result in an additional fee being added to all Hackney Carriage Vehicle, Hackney Carriage Drivers and Dual driver applications.

Examples of current additional fees charged by TWBC (HCV £30 a year) and Maidstone (HCDB /Dual Driver £24 for 3 years; HCV £24 every year).

- 1.2.8 As an example, if it is then decided to implement a lower cap than the current 171 vehicles, it could take some years to bring that number down to the recommended cap.
- 1.2.9 If we undertake an "Unmet Demand Survey" and limit is set, we will then have to commission another survey every three years.

1.3 Legal Implications

- 1.3.1 Under the Transport Act 1985, Local Authorities are only able to limit the number of Hackney Carriage Proprietors licences issued if there is no '*significant unmet demand*'. The existence of the concept of 'significant unmet demand' must be determined through robust statistical analysis as any decision to limit the number of licences may be open to detailed scrutiny by the Courts should the Committee's decision be challenged.

1.4 Financial and Value for Money Considerations

- 1.4.1 A survey could cost between £14,000 - £17,000 to be completed and will have to be paid out of future fees. This would result in an additional fee being added to all Hackney Carriage Vehicle, Hackney Carriage Drivers, and Dual driver applications.

1.5 Risk Assessment

- 1.5.1 There are no relevant issues.

1.6 Equality Impact Assessment

- 1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.7 Recommendations

- 1.7.1 That the Licensing and Appeals Committee considers the request from the Hackney Carriage and Dual drivers for an Unmet Demand Survey to be undertaken and that the results of the Survey be discussed at a future meeting.

Background papers:

contact: Anthony Garnett

Nil

Adrian Stanfield
Interim Chief Executive