

# Regulatory Committee

10.00am, Monday, 6 February 2023

## Consultation Conclusion: Demand for Taxis within the City of Edinburgh

Executive/routine  
Wards  
Council Commitments

All

### 1. Recommendations

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- 1.1 Committee is asked to:
  - 1.1.1 Note that the licensed hire trade has been subject to unprecedented challenges since Committee last assessed whether there is significant unmet demand;
  - 1.1.2 Note the survey results and the Jacobs report;
  - 1.1.3 Note Jacobs' conclusion that no significant unmet demand exists;
  - 1.1.4 Note the feedback from stakeholder consultation following the November 2022 Committee;
  - 1.1.5 Agree to maintain the limitation policy and therefore determine that the limit of 1,316 licences should remain; and
  - 1.1.6 Note that, subject to agreement of 1.1.5, it is not intended to carry out interim surveys (regular surveys are carried out every three years) until the number of issued licences is approaching the current limitation.

**Paul Lawrence**

Executive Director of Place

Contact: Andrew Mitchell, Head of Regulatory Services

E-mail: [andrew.mitchell@edinburgh.gov.uk](mailto:andrew.mitchell@edinburgh.gov.uk) | Tel: 0131 529 4208

# Report

## Consultation Conclusion: Demand for Taxis within the City of Edinburgh

### 2. Executive Summary

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- 2.1 The Council has a policy of limiting the number of taxi licences issued within the City, using the powers available to it under Section 10 (3) of the [Civic Government \(Scotland\) Act 1982](#) (the Act). This power can only be used if the Council is satisfied that there is no 'significant demand' for taxis which is unmet. The Council is required to keep this position under regular review.
- 2.2 Interim demand surveys were regularly carried out and reported to the Regulatory Committee until the COVID-19 pandemic. The numbers of taxi licences are currently below the 1,316 limit, and it is not intended to resume interim surveys until that number of issued licences is approached.
- 2.3 At its meeting on 21 November 2022, the Regulatory Committee directed officers to invite comment from interested parties on the survey and its conclusions and to report the results back to the Committee.

### 3. Background

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- 3.1 The Council acts as Licensing Authority for the purpose of licensing taxis within the City of Edinburgh. In line with the powers contained in the Act, the Council has adopted a policy of limiting the number of taxi licences issued where there is no evidence of significant unmet demand. The Council last formally reviewed this position in 2013. At present, there are 1,258 licences for taxis within the city. All applications for taxi licences are currently referred to the Licensing Sub-Committee for a hearing and decision.
- 3.2 The policy of restricting the number of taxi licences within the city has previously created considerable debate. As there are currently fewer licences in effect than the numbers limitation, there has been less concern raised in that regard.
- 3.3 The restriction policy has previously been challenged. This typically takes the form of an appeal to the Sheriff against decisions of the Licensing Sub-Committee to refuse applications for taxi licences based on the Committee's assessment that there is no significant unmet demand. The last such challenge was in late 2016 when the Sheriff Court refused an appeal from an

applicant who had been refused a licence based on the absence of unmet demand.

- 3.4 The Scottish Government has issued [guidance](#) for licensing authorities which operate a limitation policy. The guidance clearly indicates that the level of unmet demand must be kept under regular review. The guidance also makes clear that authorities should consider any evidence of 'peak demand' and consider the impact of this when considering if there is 'significant unmet demand'. Examples of 'peak demand' may be after pubs and clubs close at weekends. The guidance also makes clear that peak demand should not be considered in isolation but balanced against the full range of data.
- 3.5 As agreed by the Regulatory Committee on [21 November 2022](#), the Jacobs report (Appendix 1) was circulated to representatives of the licensed fleet, with responses being requested by 30 December 2022. The responses received are attached at Appendix 2.

## 4. Main report

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- 4.1 The Jacobs research provides Committee with an up to date review of the level of demand for taxis in the city. This will form the basis on which individual licences will be considered until the next formal review, which will be in approximately three years' time. Interim demand surveys will resume when the number of issued taxi licences approaches the 1,316 cap. This will ensure that the service is operating in line with best practice, and will provide a robust basis for decisions should any legal challenge be made.
- 4.2 There is no evidence of significant unmet demand for taxis in Edinburgh. This conclusion is based on an assessment of the implications of case law that have emerged since 2000, and the results of Jacobs's analysis.
- 4.3 On this basis, the authority has discretion in its taxi licensing policy, and may either:
  - 4.3.1 Continue to limit the number of licensed taxis at 1,316;
  - 4.3.2 Issue any number of additional plates as it sees fit, either in one allocation or a series of allocations; or
  - 4.3.3 Remove the limit on the number of vehicles and allow a free entry policy.
- 4.4 The Jacobs report concludes that the number of hours where excess passenger demand was observed has decreased since the last full study in 2017, as has passenger delay. The report also highlights the significant impact that the pandemic has had on the trade.
- 4.5 Those members of the public who completed the survey were generally satisfied with the taxi service in Edinburgh. Levels of passenger satisfaction with waiting times were high. The key results from the 'public attitude' survey highlight:
  - 4.5.1 Over a quarter (27%) of taxi hires are from a stance, and 36% of respondents obtained a taxi via a smartphone app;

- 4.5.2 Almost half of the respondents believed that new stances are needed;
  - 4.5.3 Respondents did not express dissatisfaction with the levels of delay on their most recent trips, suggesting that any delays were minimal. Hiring by flag down in the street provided the highest satisfaction levels; and
  - 4.5.4 25% of people surveyed had given up trying to obtain a taxi at a stance or by flag down.
- 4.6 Taxi trade representatives raised the following issues during the initial survey and Committee should consider these as part of its overall review of this policy:
- 4.6.1 The consultation took place during the pandemic, which had a significantly disruptive effect on the sector. This included the loss of many drivers and many drivers switching to daytime shifts;
  - 4.6.2 For two years, the Council has not been able to deliver training or topographical testing (a requirement for a Taxi Driver's Licence), which is a bar to entering the trade;
  - 4.6.3 The numbers limit ensures that sufficient taxis are available for customers, and that there is sufficient work to support the trade and to encourage entry;
  - 4.6.4 Capital costs are now significant, and the limit allows confidence that a reasonable return will be gained from initial investment; and
  - 4.6.5 Taxi rank locations need to be considered with respect to taxis being part of transport strategies, particularly at major transport hubs such as Waverley Station and Edinburgh Airport.
- 4.7 On 21 November 2022, Committee agreed that officers would arrange a further short period of engagement, to allow the licensed hire trade and all other interested parties to comment on the Jacobs report, before Committee reaches a final decision. Upon completion of this, Committee would be in a position to decide whether any change to the numbers cap is necessary.
- 4.8 Responses to the further consultation are attached at Appendix 2, including the following:
- 4.8.1 "Our clients (Central Radio Taxis and the Scottish Taxi Federation) are in agreement with the recommendations in the reports, namely, to retain the taxis limit at 1316".
- 4.9 With respect to Scottish Government guidance, the Council has had the taxi limitation policy since 1990 and it has been reviewed periodically since then. The recommended assessment of demand and public attitude is provided by the Jacobs report. The fieldwork for the most recent interim survey on demand for taxis was carried out in November 2020, and an update is therefore overdue.
- 4.10 Anecdotally, there has been a small number of complaints from members of the public about lack of taxis either at peak periods, after large events or at Edinburgh Airport. Members will also be aware of media coverage of concerns about the shortage of licensed hire cars across Scotland.

- 4.11 Members are invited to note the conclusion from Jacobs and the feedback from the taxi trade. Given there is no evidence of unmet demand and apparent support for the limitation policy, it is recommended that members should reaffirm the limitation policy and accept and implement the Jacobs conclusions and recommendations.

## **5. Next Steps**

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- 5.1 It is recommended that Committee notes this report and the feedback received and agrees to maintain the numbers limitation at 1,316.

## **6. Financial impact**

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- 6.1 The cost of the Jacobs research is contained within the income from the taxi licence fees.

## **7. Stakeholder/Community Impact**

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- 7.1 Matters described in this report have no relationship to the public sector general equality duty, thus there is no direct equalities impact arising from this report
- 7.2 There is no environmental impact arising from the contents of this report.

## **8. Background reading/external references**

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- 8.1 None.

## **9. Appendices**

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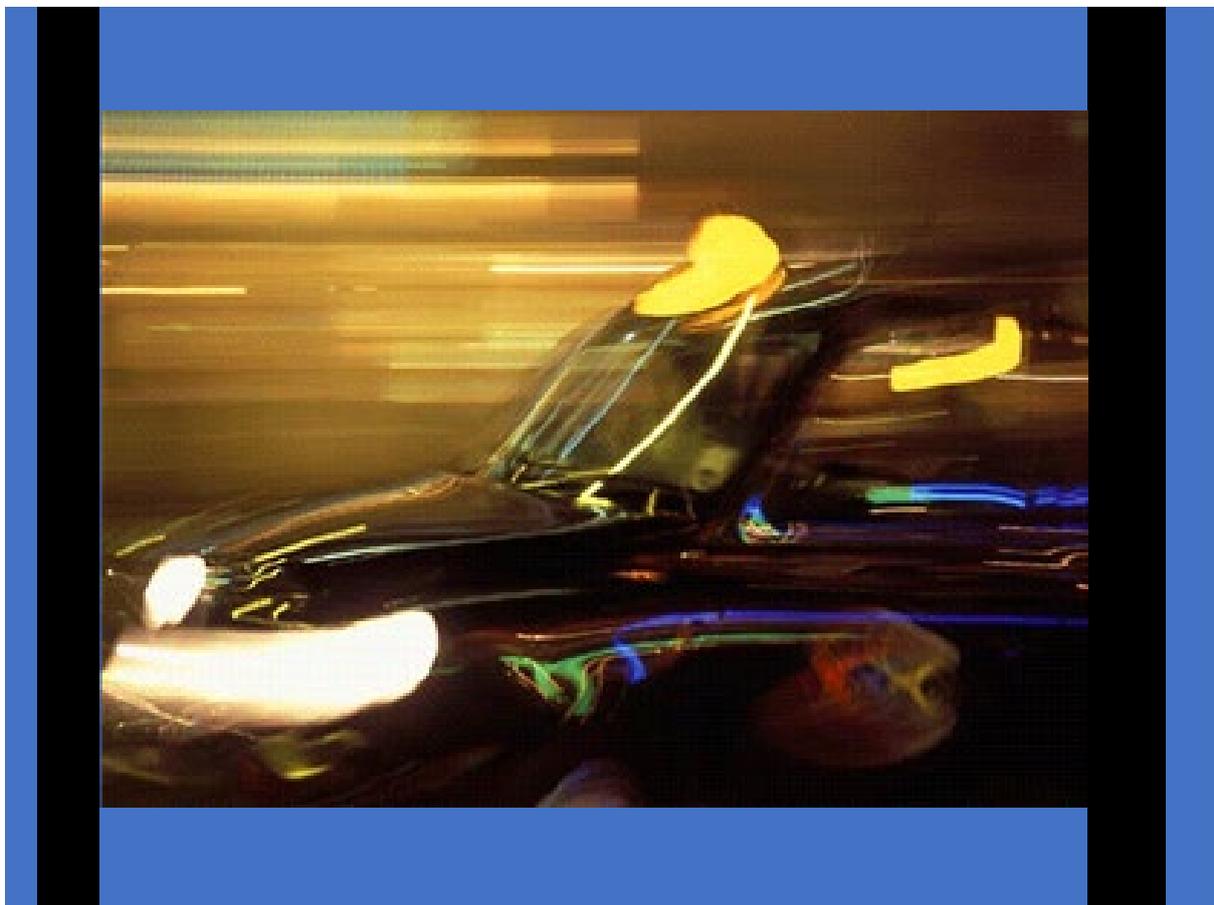
- 9.1 Appendix 1 - Jacobs report dated 1 July 2022.
- 9.2 Appendix 2 – Feedback received during additional period agreed on 21 November 2022.

Draft Report

City of Edinburgh Council

Edinburgh Taxi Unmet Demand Study

1 July 2022





Draft Report

Client name: City of Edinburgh Council

Project name: Edinburgh Taxi Unmet Demand Study

Client reference:[Client reference] Project no: [Project number]

Document no: [Document number] Project manager: Liz Richardson

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Revision	Date	Description	Author	Checked	Reviewed	Approved
		Draft Report			Liz richardson	Liz Richardson

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Jacobs U.K. Limited

1 City Walk  
Leeds, West Yorkshire LS11 9DX  
United Kingdom

T +44 (0)113 242 6771

F +44 (0)113 389 1389

[www.jacobs.com](http://www.jacobs.com)

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## Introduction

### General

This study has been conducted by Jacobs on behalf of City of Edinburgh Council (CEC). The overall objective is to provide a full survey of demand for taxis in Edinburgh and to determine whether significant unmet demand for taxis exists in terms of section 10(3) of the Civic Government (Scotland) Act 1982. Specific objectives of the study are to determine:

Determine whether there is any significant unmet demand for taxi services in Edinburgh;

If significant unmet demand is found, recommend how many licences would be required to meet this; and.

To determine public perception of the taxi service provided in Edinburgh

In 2007 the Scottish Government issued Best Practice Guidance for Taxi and Private Hire licensing. The Scottish Government reissued this guidance in April 2012 in recognition of a number of legislative changes. Essentially, the Government stated that the present legal position on quantity restrictions for taxis is set out in section 10(3) of the 1982 Act. The Scottish Government takes the view that decisions as to the case for limiting taxi licences should remain a matter for licensing authorities in the light of local circumstances. The Guidance provides local authorities with assistance in local decision making when they are determining the licensing policies for their local area. Guidance is provided on a range of issues including: flexible taxi services, vehicle licensing, driver licensing and training.

Taxi Licensing has been subject to a number of reforms and reviews over the last few years. The Law Commission produced a report in 2014 which set out a number of recommendations on Taxi and Private Hire reform that have yet to be accepted. In its 2014 report the Law Commission concluded that the ability of local authorities to impose quantity restrictions on licensed taxis should remain, but that there should be controls on the transferability of licence plates in areas introducing new quantity restrictions. Transfers would continue to be permitted in areas where quantity restrictions were already in place.

The Equality Act 2010 provided a cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all; to update, simplify and strengthen the previous legislation; and to deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society. Sections 165, 166 and 167 of the Equality Act 2010 are concerned with the provision of wheelchair accessible vehicles and place obligations on drivers of registered vehicles to carry out certain duties unless granted an exemption by the licensing authority on the grounds of medical or physical condition. Section 166 allows taxi drivers to apply to their licensing authority for an exemption from Section 165 of the Equality Act 2010.

## Covid -19 Pandemic

This study has been undertaken during a period of significant disruption for the taxi and private hire trade. Many drivers have been unable to work due to having to isolate or due to their personal circumstances. A number of drivers have left the trade in order to pursue other lines of work. There were also government restrictions in place at the time of the study which meant that both the trade and customers were not going about their normal business and this is likely to influence the results of the study.

## Background

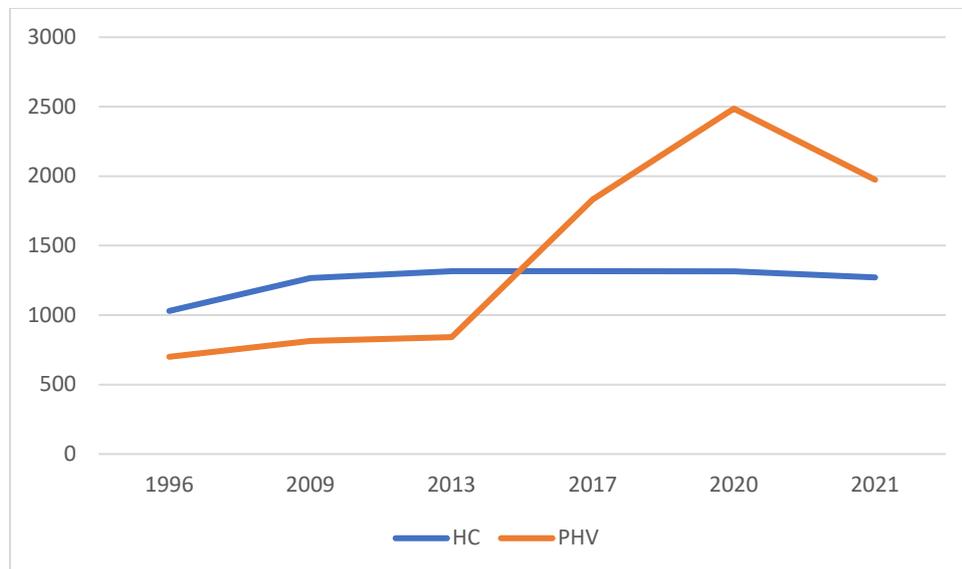
Edinburgh is the capital city of Scotland and covers some 259 square kilometres. Edinburgh's resident population is 527,620 (National records of Scotland, 2020 midyear estimate). The city has a large student and visitor population and demand for taxis fluctuates across the year.

## Vehicle numbers

In recent times, following a period of deregulation, a limit of 1,030 taxi licences was introduced in 1990. This was reviewed in 1993 and 1995 and the limit was raised by 181. In 2001, the limit was increased by a further 49, to 1,260. Following a survey in 2005, the Council concluded that there was no evidence of significant demand for taxis which was unmet and resolved not to issue any new licences at that time. In February 2007, the Council considered an update to the 2005 survey, involving stance surveys and questionnaires to stakeholders, and again concluded that there was no significant demand for taxi services which was unmet. On 25th October 2007, the Council reaffirmed its existing policy to restrict the number of taxi licences issued to 1,260 and instructed the Director of Corporate Services to commission a comprehensive report on taxi demand approximately every three years. An unmet demand study was commissioned in 2008. The report identified that there was evidence of significant unmet demand for taxi services and a recommendation was made for 30 new taxi licences be issued to meet this demand. In addition to these 30 licences a further 20 more taxi licences were issued on appeal. The unmet demand study in 2013 and 2017 stated that there was no unmet demand and therefore no extra licences were awarded.

City of Edinburgh Council currently has a numerical limit of 1,316 taxis. However, given the recent pandemic a number of these licences have been returned to the Council. At the time of the survey, it was estimated that there were 1,272 taxis licenced. This provides Edinburgh with a taxi provision of around one taxi per 414 resident population. City of Edinburgh Council also licence approximately 1,975 private hire cars. Vehicle numbers have continually increased since 1996 reaching a peak of 2,486 in 2020. However and in light of the Covid -19 pandemic the number of private hire cars licenced has started to decrease as demonstrated in Figure 2.1 The graph shows a significant increase in private hire cars since the last study in 2017, peaking in 2020 before a steady decline in 2021.

Figure 2.1 Taxi and PHV trends



### Provision of Taxi Stands

There are currently 82 official taxi stances<sup>1</sup> located throughout the Edinburgh licensing area; the locations and times of operation of each of the stances are provided in Appendix 1.

### AWAITING RECENT PHOTOS

#### Taxi Fares and Licence Premiums

Taxi fares are regulated by the Local Authority. There are four tariffs across the following periods;

Tariff 1– Monday to Friday, 6am until 6pm;

Tariff 2 – Monday to Friday, 6pm until 6am, Saturday 6am to Monday 6am

Tariff 3 – Monday to Friday, 6am until 6pm during Christmas and New Year;

Tariff 4 – Monday to Friday, 6pm until 6am, Saturday 6am to Monday 6am during Christmas and New Year.

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<sup>1</sup> Market Street is a temporary stance

The standard charge tariff is made up of two elements: an initial fee (or 'drop') of £3.00 for entering the vehicle, and a fixed price addition of 25p per 163m/179m dependent on the tariff in place, or uncompleted part thereof travelled, plus fixed additions for waiting time. Fixed additional charges are also in place for extra passengers. A standard two-mile daytime fare undertaken by one individual would therefore be £7.00. The tariffs are outlined in detail in the fare card in Figure 2.2 below.

Figure 2.2 – Farecard for Edinburgh

**THE CITY OF EDINBURGH COUNCIL**  
**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**  
**FARE TABLE FOR TAXIS**  
**With effect from 30 December 2021**

**FOR UP TO 2 PASSENGERS**

<b>TARIFF 1</b> Monday – Friday 6am – 6pm	<b>TARIFF 2</b> Monday – Friday 6pm – 6am the following day 6am Saturday – 6am Monday
<b>TARIFF 3</b> Monday – Friday 6am – 6pm during Christmas and New Year period	<b>TARIFF 4</b> 25 December - ALL DAY 1 January - ALL DAY Where Christmas period falls on Saturday and Sunday - ALL DAY Monday-Friday between 6pm and 6am during Christmas and New Year period
<b>CHRISTMAS PERIOD</b> <b>NEW YEAR PERIOD</b>	6pm on 24 December to 6am on 27 December 6pm on 31 December to midnight on 2 January

<b>CHARGES</b>	<b>TARIFF 1</b>	<b>TARIFF 2</b>	<b>TARIFF 3</b>	<b>TARIFF 4</b>
<ul style="list-style-type: none"> <li>Initial hire not exceeding 501m</li> <li>Initial 105 seconds of waiting time</li> <li>Combination of initial time and distance</li> </ul>	<b>£3.00</b>	<b>£4.00</b>	<b>£4.00</b>	<b>£5.00</b>
<ul style="list-style-type: none"> <li>Each additional 163m up until 1805m and thereafter each additional 190m</li> <li>Each additional 35 seconds of waiting time</li> <li>Combination of additional time and distance</li> </ul>	<b>£0.25</b>	<b>£0.25</b>	-	-
<ul style="list-style-type: none"> <li>Each additional 179m up until 1933m and thereafter for each additional 207m</li> <li>Each additional 38 seconds of waiting time</li> <li>Combination of additional time and distance</li> </ul>	-	-	<b>£0.35</b>	<b>£0.45</b>

**EXTRA PAYMENTS**

<b>When more than 3 passengers</b>	<b>Each</b>	<b>£0.40</b>
<b>Note:</b> Only 2 children under 12 years will be reckoned as one passenger. No extra fare will be charged for one child under 5 years of age.		
<b>Each Passenger must be properly seated</b>		
<b>Hires ending at Edinburgh Airport Inner Drop-off Zone</b> (See Note 4 below)	<b>£4.00</b>	
<b>Call Out Charge</b> Applicable when pre-booked	<b>£0.80</b>	<b>Airport Pickup</b> - For hires commencing at Edinburgh airport. The amount charged at the exit gate subject to a maximum of £5.00, providing it is no more than the actual amount charged.
<b>Cancellation Fee</b> Applicable when taxi is pre-booked but not used	<b>£2.20</b>	
<b>Soiling charge</b> - maximum of £50.00 payable by a passenger, where a vehicle is required to be removed from service for cleaning in order for it to be restored to a usable state and condition		

**NOTES**

- (1) The above Tariff is applicable only within the City of Edinburgh.
- (2) Any hire which terminates outside the City of Edinburgh area – FARE MUST BE NEGOTIATED AND AGREED WITH DRIVER BEFORE THE JOURNEY COMMENCES.
- (3) A copy of the Licensing Conditions can be inspected at the Council's Licensing Offices, 249 High Street, Edinburgh, EH1 1YJ and downloaded from [www.edinburgh.gov.uk](http://www.edinburgh.gov.uk)
- (4) **The Airport Extra** is only payable if passenger is dropped off in the covered inner drop-off zone at Edinburgh Airport and the driver has explained to the passenger before the start of the journey - (1) He will take the passenger to the drop off point just beside the airport terminal and that there is a £4 extra for this. (2) If the passenger states he is disabled, the £4 extra still has to be paid, but the driver understands that the passenger can reclaim this from the airport at the drop-off point. (3) If the passenger wishes to avoid the £4 extra, he can be taken to an outer drop-off point. However, this is further from the airport terminal, involves the use of a free shuttle bus and will require more time for the passenger to get to the airport terminal.

**COMPLAINTS**

Any hirer aggrieved at the level of the fare charged for any hire or for any other reason may discuss the matter with the Taxi Licensing Officer (0131 529 4250). Any complaint must be made in writing and addressed to the Complaints Officer, Licensing Service, The City of Edinburgh Council, 249 High Street, Edinburgh EH1 1YJ, and should include the vehicle's licence number and time and date of the incident.

CS.70 DEC 21

The publication Private Hire and Taxi Monthly issues monthly league tables of the fares for 365 authorities over a two-mile day time journey. Each journey is ranked with one being the most expensive. The August 2022 table shows Edinburgh rated 75th in the table, indicating that Edinburgh has higher than average fares. Table 2.1 provides a comparison of where a selection of other

authorities in Scotland, based on population figures and the presence of a large city or town, rank in terms of fares, showing that fares in Edinburgh are more expensive in comparison to other neighbouring authorities with the exception of East Lothian Council.

Table 2.1 - Comparison of neighbouring authorities in terms of fares (Source Private Hire and Taxi Monthly, August 2022)

Local Authority	Rank
East Lothian	74
City of Edinburgh	75
Fife	95
Midlothian	193
Falkirk	202
West Lothian	300

## Benchmarking

### Introduction

A benchmarking exercise has been undertaken to compare taxi provision in Edinburgh with that of the Scottish cities and the English core cities. This exercise presents information for the remaining six cities in Scotland, and the eight core cities in England. The core cities comprise those cities that are considered the economically most important cities outside of London in England. Table 3.1 shows the cities used in this benchmarking exercise. The benchmarking exercise has been undertaken using data sourced from the latest edition of the Scottish Transport Statistics, (2021 Edition)<sup>2</sup> and the Department for Transport's Taxi statistics<sup>3</sup> therefore the numbers reported here may differ from current licensed numbers if there has been significant change in a particular area since the figures were published.

Table 3.1 – Cities used in benchmarking exercise

Scottish Cities	Core Cities
Aberdeen	Birmingham
Dundee	Bristol
Edinburgh	Leeds
Glasgow	Liverpool
Inverness	Manchester
Perth	Newcastle
Stirling	Nottingham
	Sheffield

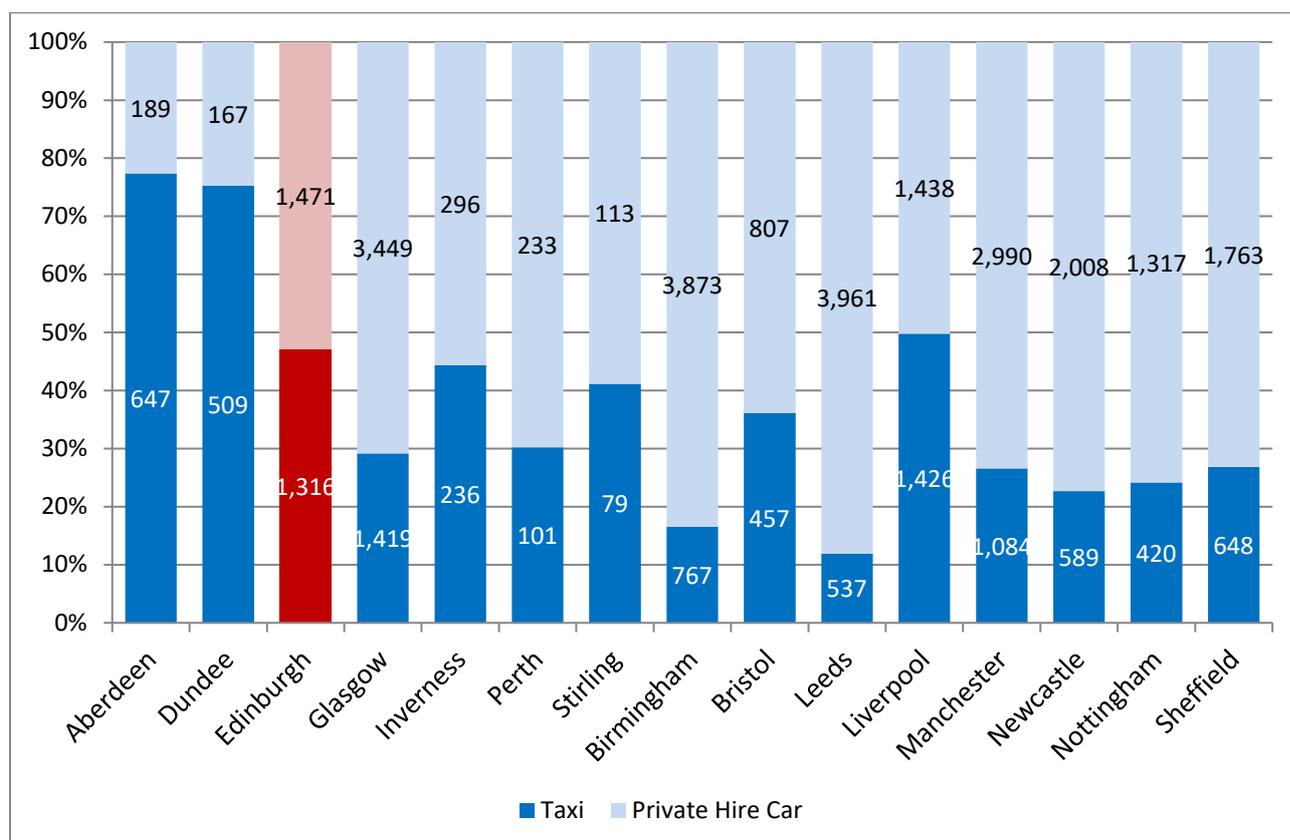
### Fleet Composition

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<sup>3</sup> <https://www.gov.uk/government/collections/taxi-statistics>

Figure 3.1 documents the fleet size for Edinburgh along with the other benchmarked authorities<sup>4</sup>. Liverpool, Glasgow and Edinburgh have the largest fleets of taxis (1,426, 1,419 and 1,316 vehicles respectively), while Glasgow has the largest combined (taxi and private hire car) fleet at 4,868 vehicles. Of the other Scottish cities, Glasgow has the largest combined fleet. Stirling has the smallest taxi fleet (79 vehicles) whilst Stirling and Dundee have the smallest private hire fleets at 113 and 167 vehicles.

Figure 3.1 Fleet Composition

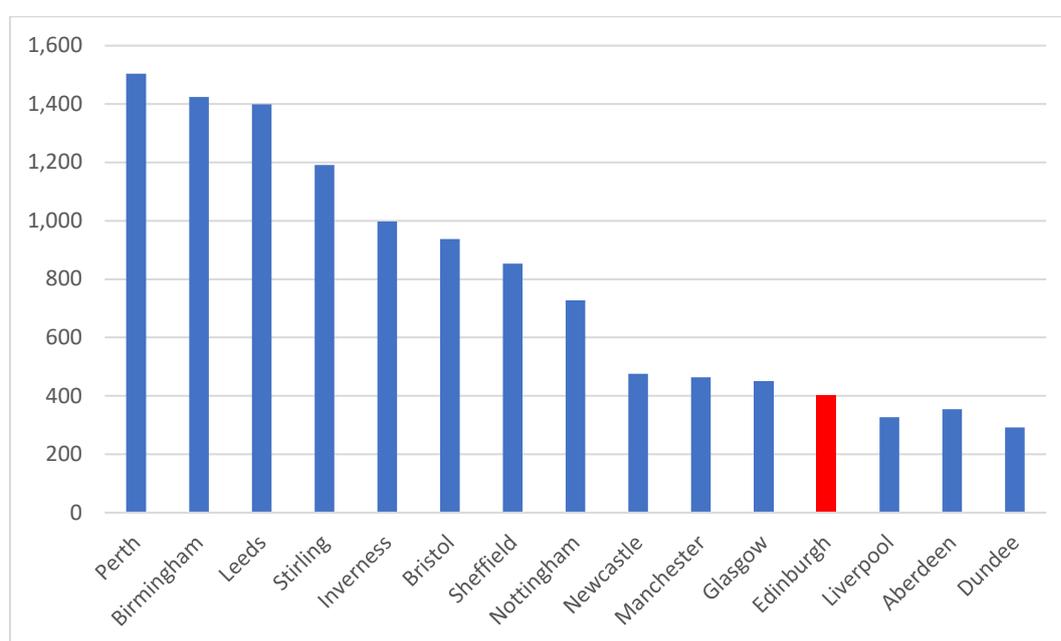


Edinburgh has the third largest taxi fleet and the eighth largest private hire fleet, placing it in mid-range of the comparable authorities in terms of its overall fleet size. While these figures are based

<sup>4</sup> Note the figures on fleet composition are the latest published figures therefore may differ to licensed vehicle numbers as of August 2022.

on the latest published figures available, we note that private hire car numbers in Edinburgh have recently decreased to approximately 1,975 in 2021 which has decreased the overall fleet size. Figure 3.2 shows taxi per capita provision in each authority. This demonstrates that Aberdeen has the lowest number of people per taxi, thereby indicating that it has the best provision of the authorities shown. Leeds has the highest number of people per taxi, and therefore the worst provision. Edinburgh has the fifth best taxi provision per capita.

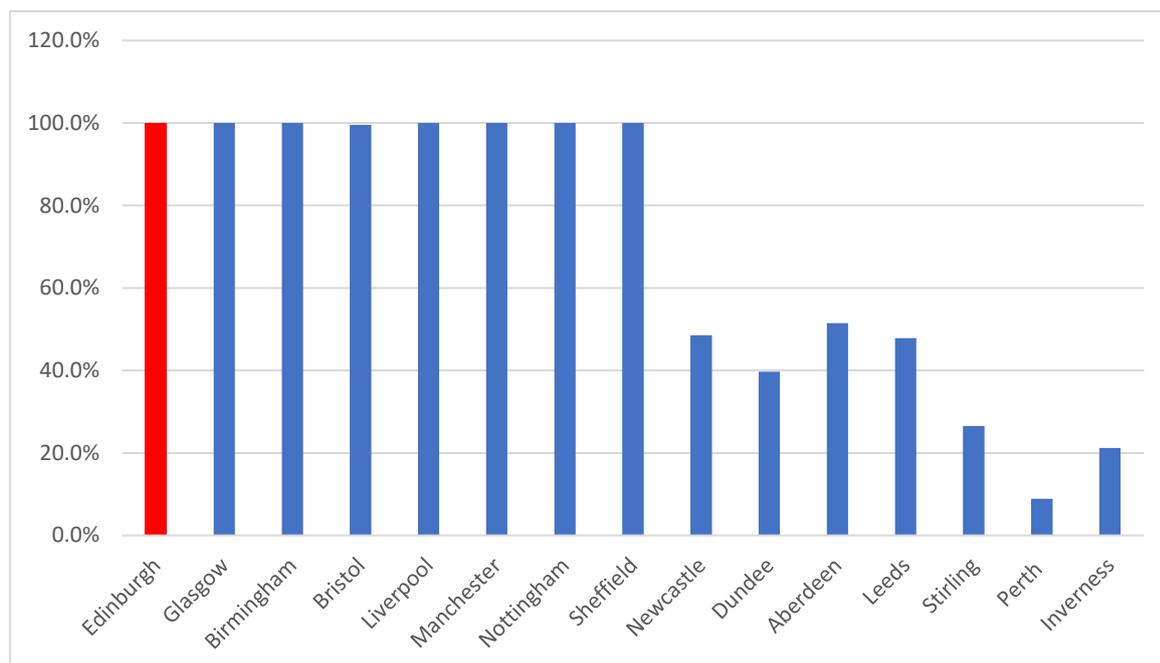
Figure 3.2 Population per taxi across the different licensing authorities



### Wheelchair Accessible Vehicles

With regards to wheelchair accessible vehicles, Edinburgh ranked in joint first position. This is due to all taxis being wheelchair accessible, a move which seven other cities have also taken. The remaining seven locations have around 50% or less of their taxis able to accommodate wheelchairs. Figure 3.4 shows the percentage of taxis in each authority which are wheelchair accessible:

Figure 3.4 Proportion of the taxi fleet that is wheelchair accessible



### Entry Control

Table 3.1 documents the entry control policies for the 15 authorities. Edinburgh is one of the fourteen authorities which impose a numerical limit on the number of taxis licensed.

Table 3.1 Entry Control Policy for the Authorities

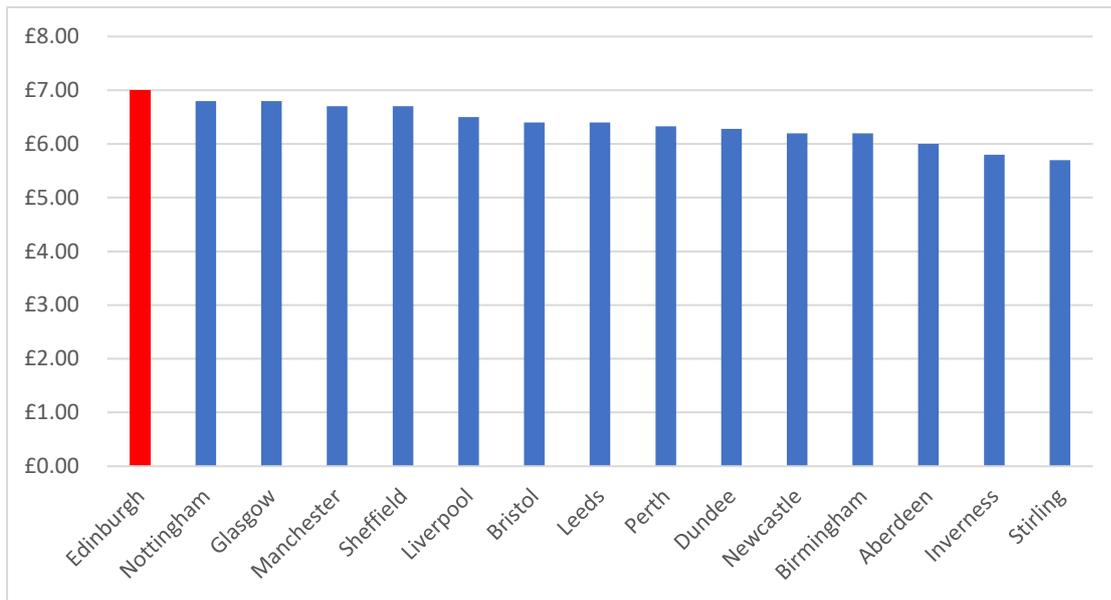
Authority	Entry Control Policy
Aberdeen	Restricted
Birmingham	Restricted
Bristol	Restricted in some areas
Dundee	Restricted
Edinburgh	Restricted
Glasgow	Restricted
Inverness	Derestricted

Leeds	Restricted
Liverpool	Restricted
Manchester	Restricted
Newcastle	Restricted
Nottingham	Restricted
Perth	Restricted
Sheffield	Restricted
Stirling	Restricted

Fares

Figure 3.5 details the average fare for a two-mile journey across the core cities and Scottish cities. The average cost of a two-mile journey in Edinburgh is £7.00, which is the most expensive of all authorities.

Figure 3.5 Fare for a two-mile journey



Source: Derived from Private Hire and Taxi Monthly, August 2022

## Definition, Measurement and Removal of Significant Unmet Demand

### Introduction

Section 4 provides a definition of significant unmet demand derived from experience of over 100 unmet demand studies since 1987. 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. Following this, a description is provided of the SUDSIM model which is a tool developed to determine the number of taxi licences required to eliminate significant unmet demand, where such unmet demand is found to exist. This method has been applied to numerous local authorities and has been tested in the courts as a way of determining if there is unmet demand for taxis.

### Overview

Significant Unmet Demand (SUD) has two components:

- Patent demand – that which is directly observable; and
- ‘Suppressed’ demand – that which is released by additional supply.

Patent demand is measured using stance observation data. Suppressed (or latent) demand is assessed using data from the stance observations and public attitude interview survey. Both are brought together in a single measure of unmet demand, ISUD (Index of Significant Unmet Demand).

### Defining Significant Unmet Demand

The provision of evidence to aid licensing authorities in making decisions about taxi provision requires that surveys of demand be carried out. Results based on observations of activity at taxi stances have become the generally accepted minimum requirement.

The definition of significant unmet demand is informed by two Court of Appeal judgements:

- R v Great Yarmouth Borough Council ex p Sawyer (1987); and
- R v Great Castle Point Borough Council ex p Maude (2002).

The Sawyer case provides an indication of the way in which an Authority may interpret the findings of survey work. In the case of Sawyer v Yarmouth City Council, 16 June 1987, Lord Justice Woolf

ruled than an Authority is entitled to consider the situation from a temporal point of view as a whole. It does not have to condescend into a detailed consideration as to what may be the position in every limited part of the Authority in relation to the time of day. The authority is required to give effect to the language used by the Section (Section 16) and can ask itself with regard to the area as a whole whether or not it is satisfied that there is no significant unmet demand.

The term 'suppressed' or 'latent' demand has caused some confusion over the years. It should be pointed out that following *Maude v Castle Point Borough Council*, heard in the Court of Appeal in October 2002, the term is now interpreted to relate purely to that demand that is measurable. Following *Maude*, there are two components to what Lord Justice Keene prefers to refer to as 'suppressed demand':

What can be determined inappropriately met demand. This is current observable demand that is being met by, for example, private hire cars illegally ranking up; and

That which arises if people are forced to use some less satisfactory method of travel due to the unavailability of a taxi.

If demand remained at a constant level throughout the day and week, the identification and treatment of significant unmet demand would be more straight-forward. If there were more cabs than required to meet the existing demand there would be queues of cabs on stances throughout the day and night and passenger waiting times would be zero. Conversely, if too few cabs were available there would tend to be queues of passengers throughout the day. In such a case it would, in principle, be a simple matter to estimate the increase in supply of cabs necessary to just eliminate passenger queues.

Demand for taxis varies throughout the day and on different days. The problem, introduced by variable demand, becomes clear when driver earnings are considered. If demand is much higher late at night than it is during the day, an increase in cab supply large enough to eliminate peak delays will have a disproportionate effect on the occupation rate of cabs at all other times. Earnings will fall and fares might have to be increased sharply to sustain the supply of cabs at or near its new level.

The main implication of the present discussion is that it is necessary, when considering whether significant unmet demand exists, to take account of the practicability of improving the standard of service through increasing supply.

#### Measuring Patent Significant Unmet Demand

Considering the economic, administrative and legal considerations, the identification of this important aspect of significant unmet demand should be treated as a three stage process as follows:

Identify the demand profile;

Estimate the passenger and cab delays; and

Compare estimated delays to the demand profile.

The broad interpretation to be given to the results of this comparison are summarised in Table 4.1.

Demand is:	Delays during peak only	Delays during peak and other times
Highly peaked	No SUD	Possibly a SUD
Not highly peaked	Possibly a SUD	Possible a SUD

Table 4.1 – Existing of SUD determined by comparing demand and delay profiles

It is clear from the content of the table that the simple descriptive approach fails to provide the necessary degree of clarity to support the decision-making process in cases where the unambiguous conclusion is not achievable. However, it does provide the basis of a robust assessment of the principal component of significant unmet demand. The analysis is therefore extended to provide a more formal numerical measure of significant unmet demand. This is based on the principles contained in the descriptive approach but provides greater clarity. A description follows.

The measure feeds directly off the results of observations of activity at the stances. In particular, it takes account of:

Case law that suggests an authority should take a broad view of the market;

The effect of different levels of supply during different periods at the stance on service quality; and

The need for consistent treatment of different authorities, and the same authority over time.

The Index of Significant Unmet Demand (ISUD) was developed in the early 1990's and is based on the following formula. The SF element was introduced in 2003 and the LDF element was introduced in 2006 to reflect the increased emphasis on latent demand in DfT Guidance.

$$ISUD = APD \times PF \times GID \times SSP \times SF \times LDF$$

Where:

APD = Average Passenger Delay calculated across the entire week in minutes.

PF = Peaking Factor. If passenger demand is highly peaked at night the factor takes the value of 0.5. If it is not peaked the value is 1. Following case law this provides dispensation for the effects of peaked demand on the ability of the Trade to meet that demand. To identify high peaking we are generally looking for demand at night (at weekends) to be substantially higher than demand at other times.

GID = General Incidence of Delay. This is measured as the proportion of passengers who travel in hours where the delay exceeds one minute.

SSP = Steady State Performance. The corollary of providing dispensation during the peaks in demand is that it is necessary to focus on performance during “normal” hours. This is measured by the proportion of hours during weekday daytimes when the market exhibits excess demand conditions (i.e. passenger queues form at stances).

SF = Seasonality Factor. Due to the nature of these surveys it is not possible to collect information throughout an entire year to assess the effects of seasonality. Experience has suggested that taxi demand does exhibit a degree of seasonality and this is allowed for by the inclusion of a seasonality factor. The factor is set at a level to ensure that a marginal decision either way obtained in an “untypical” month will be reversed. This factor takes a value of 1 for surveys conducted in September to November and March to June, i.e. “typical” months. It takes a value of 1.2 for surveys conducted in January and February and the longer school holidays, where low demand the absence of contract work will bias the results in favour of the taxi trade, and a value of 0.8 for surveys conducted in December during the pre-Christmas rush of activity. Generally, surveys in these atypical months, and in school holidays, should be avoided.

LDF = Latent Demand Factor. This is derived from the public attitude survey results and provides a measure of the proportion of the public who have given up trying to obtain a taxi at either a stance or by flagdown during the previous three months. It is measured as 1+ proportion giving up waiting. The inclusion of this factor is a tactical response to the latest guidance.

The product of these six measures provides an index value. The index is exponential and values above the 80 mark have been found to indicate significant unmet demand. This benchmark was defined by applying the factor to the 25 or so studies that had been conducted at the point it was developed. These earlier studies had used the same principles but in a less structured manner. The highest ISUD value for a study where a conclusion of no significant unmet demand had been found was 72. The threshold was therefore set at 80. The ISUD factor has been applied to over 80 studies by CH2M and has been adopted by others working in the field. It has proved to be a robust, intuitively appealing and reliable measure.

Suppressed/latent demand is explicitly included in the above analysis by the inclusion of the LDF factor and because any known illegal plying for hire by the private hire trade is included in the stance observation data. This covers both elements of suppressed/latent demand resulting from the Maude case referred to above and is intended to provide a ‘belt and braces’ approach. A

consideration of latent demand is also included where there is a need to increase the number of taxi licences following a finding of significant unmet demand. This is discussed in the next section.

#### Determining the Number of New Licences Required to Eliminate Significant Unmet Demand

To provide advice on the increase in licences required to eliminate significant unmet demand, CH2M has developed a predictive model. SUDSIM is a product of 20 years' experience of analysing taxi demand. It is a mathematical model, which predicts the number of additional licences required to eliminate significant unmet demand as a function of key market characteristics.

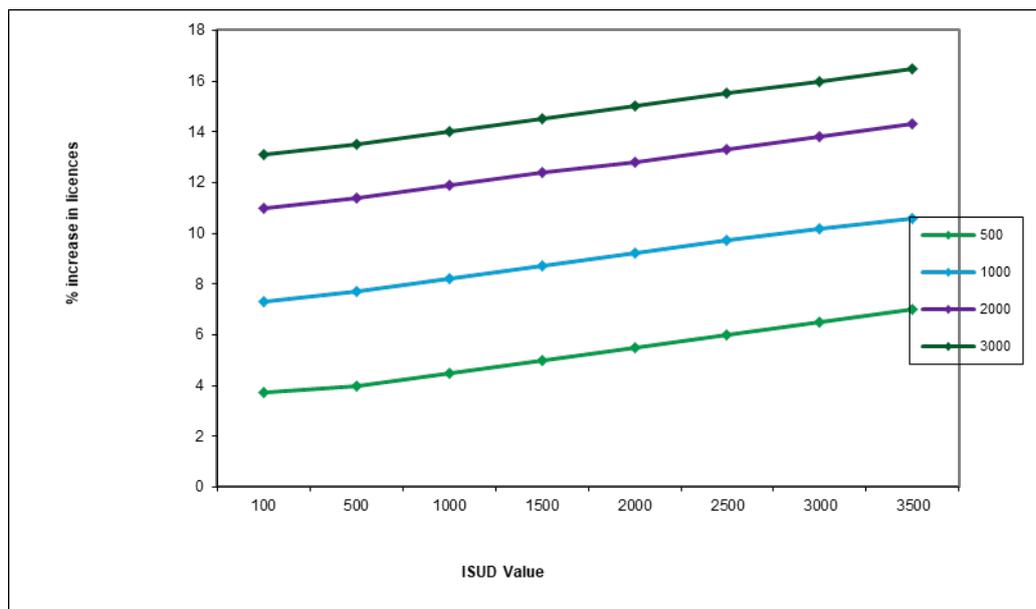
SUDSIM represents a synthesis of a queue simulation work that was previously used (1989 to 2002) to predict the alleviation of significant unmet demand and the ISUD factor described above (hence the term SUDSIM). The benefit of this approach is that it provides a direct relationship between the scale of the ISUD factor and the number of new hackney licences required.

SUDSIM was developed taking the recommendations from 14 previous studies that resulted in an increase in licences, and using these data to calibrate an econometric model. The model provides a relationship between the recommended increase in licences and three key market indicators:

- The population of the licensing authority;
- The number of taxis already licensed by the licensing authority; and
- The size of the SUD factor.

The main implications of the model are illustrated in Figure 4.1 below. The figure shows that the percentage increase in a taxi fleet required to eliminate significant unmet demand is positively related to the population per taxi (PPT) and the value of the ISUD factor over the expected range of these two variables.

Figure 4.1 – Forecast increase in taxi fleet size as a function of population per taxi (PPT) and the ISUD value



Where significant unmet demand is identified, the recommended increase in licences is therefore determined by the following formula:

$$\text{New Licences} = \text{SUDSIM} \times \text{Latent Demand Factor}$$

Where:

Latent Demand Factor = (1 + proportion giving up waiting for a taxi at either a stance or via flagdown).

#### Note on Scope of Assessing Significant Unmet Demand

It is useful to note the extent to which a licensing authority is required to consider peripheral matters when establishing the existence or otherwise of significant unmet demand. This issue is informed by *R v Brighton Borough Council, exp p Bunch 1989*. This case set the precedent that it is only those services that are exclusive to taxis that need concern a licensing authority when considering significant unmet demand. Telephone booked trips, trips booked in advance or indeed the provision of bus type services are not exclusive to taxis and have therefore been excluded from consideration.

#### Evidence of Patent Unmet Demand – Stance Observation Results

#### Introduction

This section of the report highlights the results of the stance observation survey. The stance observation programme covered a period of 297 hours during September 2021. Some 19,506 passengers and 16,060 departures were recorded across 14 stances. A summary of the stance observation programme is provided in Appendix 2.

The results presented in this section summarise the information and draw out its implications. This is achieved by using five indicators:

The Balance of Supply and Demand – this indicates the proportion of the time that the market exhibits excess demand, equilibrium and excess supply;

Average Delays and Total Demand – this indicates the overall level of passengers and cab delays and provides estimates of total demand;

The Demand/Delay Profile – this provides the key information required to determine the existence or otherwise of significant unmet demand;

The Proportions of Passengers Experiencing Given Levels of Delay – this provides a guide to the generality of passenger delay.

#### The Balance of Supply and Demand

The results of the analysis are presented in Table 5.1 below. The predominant market state is one of equilibrium. Excess supply (queues of cabs) was experienced during 2% of the hours observed while excess demand (queues of passengers) was experienced 18% of the hours observed. Conditions are generally favourable to customers at all times of the day.

Table 5.2 – The balance of supply and demand in the Edinburgh stance-based taxi market (percentage of hours observed)

Period		Excess Demand (Max Passenger Queue ≥ 3)	Equilibrium	Excess Supply (Min Cab Queue ≥ 3)
Weekday	Day	11	86	4
	Night	8	90	2
Weekend	Day	28	71	1
	Night	26	74	0
Sunday	Day	19	79	2

Period	Excess Demand (Max Passenger Queue $\geq 3$ )	Equilibrium	Excess Supply (Min Cab Queue $\geq 3$ )
Total 2021	18	80	2
Total 2017	13	71	16

NB – Excess Demand = Maximum passenger queue  $\geq 3$ . Excess Supply = Minimum Cab Queue  $\geq 3$  – values derived over 12 time periods within an hour.

As detailed in Table 5.1 conditions have changed for passengers since the previous study in 2017. The number of hours where excess demand was observed has increased to 18% while the hours the market is in equilibrium has increased from 71% to 80%.

#### Average Delays and Total Demand

The following estimates of average delays and throughput were produced for each selected stance in Edinburgh (Table 5.2).

The survey suggests some 19,506 passenger departures occur per week from stances in Edinburgh involving some 16,060 cab departures. The taxi trade is concentrated at the stances at East Market Street and Waverley bridge accounting for 48% of the total passenger departures. On average cabs wait 7.10 minutes for a passenger. On average passengers wait 0.75 minutes for a cab which is lower than recorded in 2017. The highest level of passenger delay was recorded at Lothian Road (1.9 minutes) and East Market Street (1.5 minutes) predominantly at the weekend. Passengers encountered little of no delay at the majority of stance locations observed. The observations did highlight periods of high demand and delay at the East Market Street stance. Average delay of over 8 minutes was observed on a Saturday afternoon and almost 10 minutes on a Sunday afternoon.

As detailed in Chapter 1 this study was undertaken during the Covid pandemic when restrictions were in place and therefore demand is significantly lower than observed in previous studies.

Since the previous study in 2017 when comparing like for like passenger demand and passenger delay is significantly lower. Cab departures have also significantly decreased

Table 5.2 Average Delays and Total Demand (Delays in Minutes)

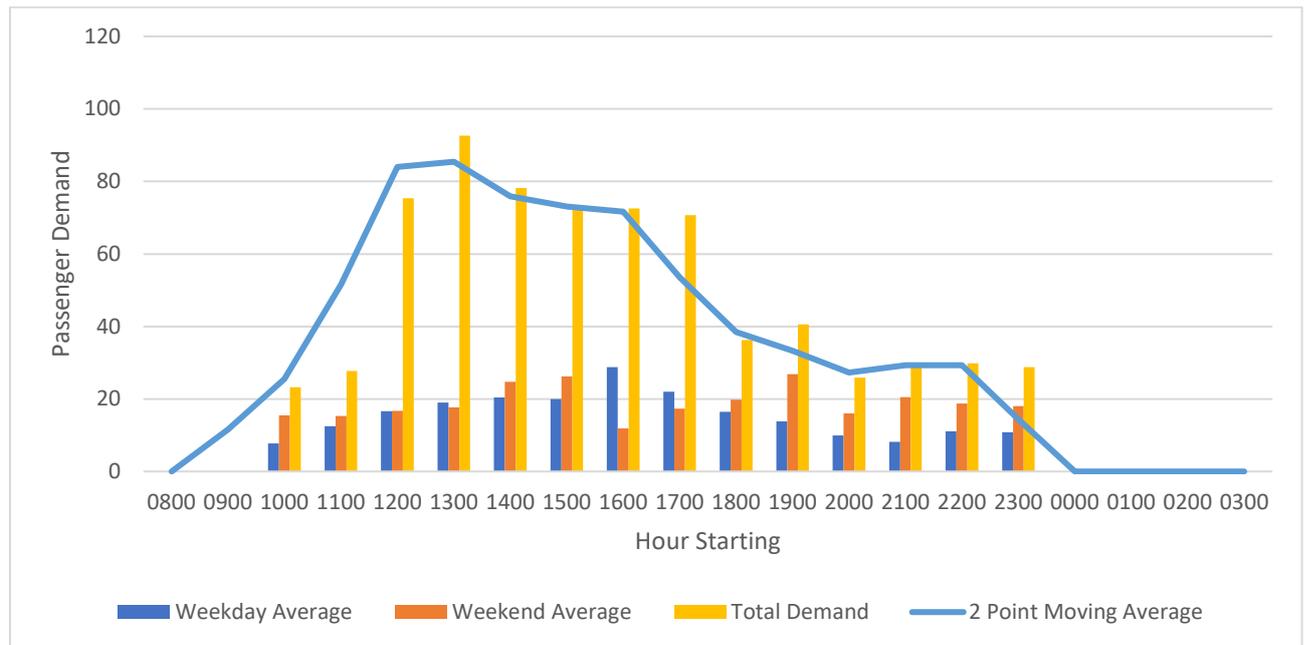
Stance	Passenger Departures	Cab Departures	Average Passenger Delay in Minutes	Average Cab Delay in Minutes
East Market Street*	4,628	3,375	1.50	6.55
Waverley Bridge*	4,707	2,884	0.32	7.41
Rutland Street*	908	885	0.61	4.74
High Street*	1,327	680	0.53	10.33
Hannover Street*	1,443	1,041	0.61	7.72
Queensferry Street*	65	108	0.00	4.00
Haymarket*	2,949	2,296	0.49	6.85
Wester Hailes*	209	251	0.00	7.69
South St Andrews Street	270	252	0.44	4.52
Lothian Road (Festival Sq)*	1,092	1,383	1.94	4.70
Lady Road (Cameron Toll)*	990	968	0.00	9.12
Castle Street	484	1,022	0.00	8.47
Dundas Street	95	306	0.00	8.60
Omni Centre, Leith Walk*	340	612	1.18	8.95
Total 2021	19,506	16,060	0.75	7.10
Total 2017 like for like stances	41,222	25,875	1.27	8.70
Total 2013	42,228	27,697	0.32	12.07
Total 2008/2009	37,518	23,411	1.27	12.64

\* observed in 2017

### The Delay/Demand Profile

Figure 5.1 provides a graphical illustration of passenger demand for the Monday to Saturday period between the hours of 08:00 and 00:00.

Figure 5.1 Passenger Demand by Time of Day in 2021 (Monday to Saturday)



The profile of demand shows a peak in demand between 1200 and 1400

Figure 5.2 Passenger Delay by Time of Day in 2021(Monday to Saturday)



Year	Delay > 0	Delay > 1 min	Delay > 5 min
2017	13.11	7.31	3.09
2013	5.66	2.73	0.17
2008/2009	12.27	7.35	2.60

In 2021, 6.85% of passengers are likely to experience more than a minute of delay. It is this proportion (6.85%) that is used within the ISUD as the ‘Generality of Passenger Delay’.

#### Evidence of Suppressed Demand – Public Attitude Pedestrian Survey Results

##### Introduction

An online public attitude survey was designed with the aim of collecting information regarding opinions on the taxi market in Edinburgh. The survey allowed an assessment of flagdown, telephone and stance delays, the satisfaction with delays and general use information.

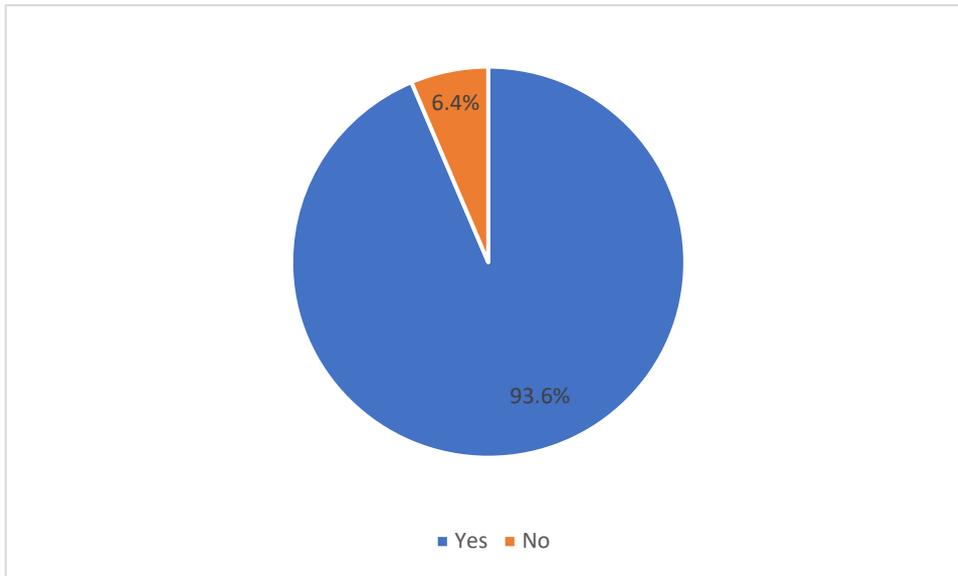
The survey was conducted in December 2021 and hosted on City of Edinburgh Council’s Consultation Hub. Some 300 responses were received.

It should be noted that in the tables and figures that follow the totals do not always add up to the same amount which is due to one of two reasons. First, not all respondents were required to answer all questions; and second, some respondents failed to answer some questions that were asked.

##### General Information

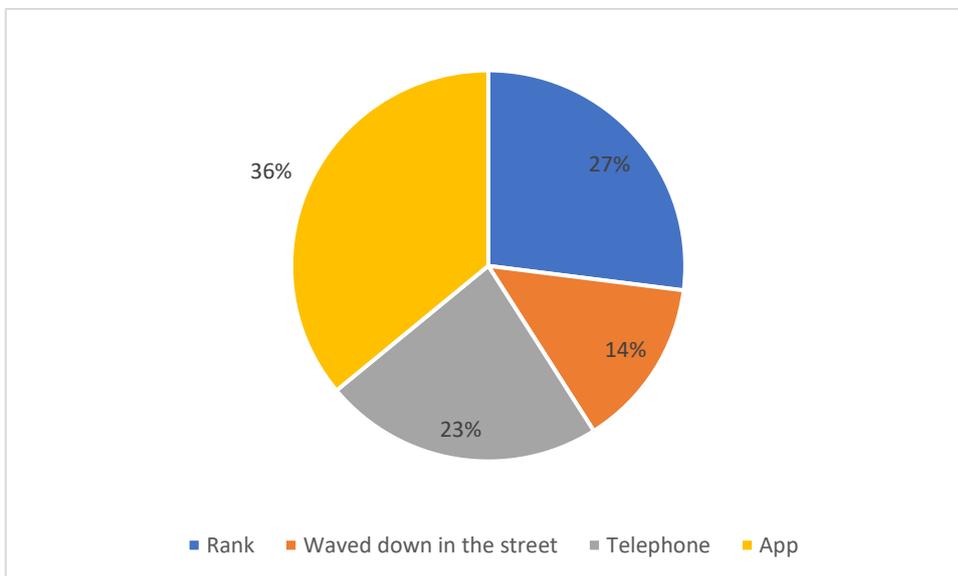
Respondents were asked whether they had made a trip by taxi or private hire car in the past three months. Figure 6.1 shows that 93.6% (279) of the 300 respondents had made a trip by taxi or private hire car in the last three months.

Figure 6.1 – Have you made a trip by taxi or private hire car in the last three months?



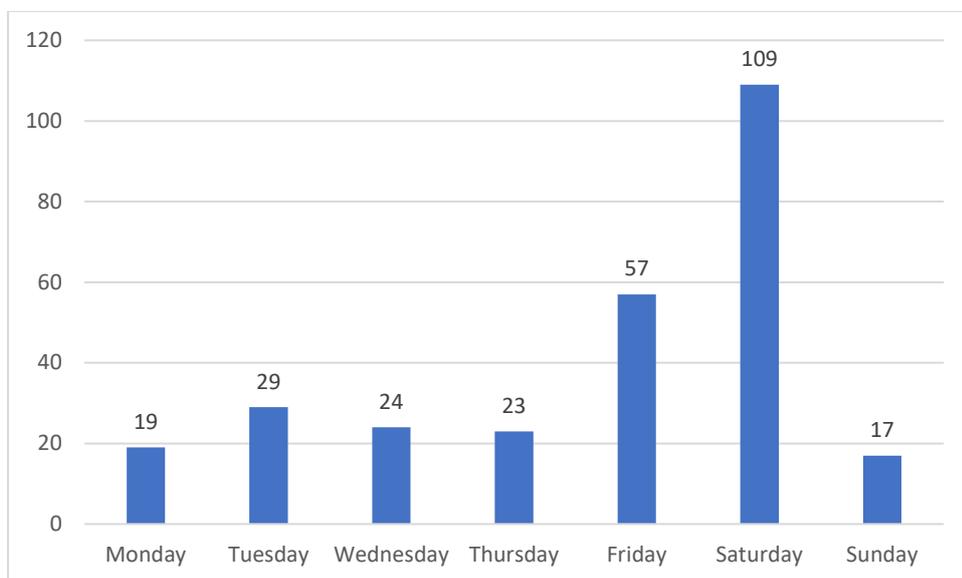
Those respondents who had made a trip by taxi or private hire car were asked how they obtained their vehicle. Some 36% of trip makers (99) stated that hired their taxi vi a smartphone or tablet app while 27% (75) of taxi hirings were obtained at a rank. Some 23% (65) of trips were achieved by telephone. The online and telephone bookings relate to both taxi and private hire car bookings. Figure 6.2 reveals the pattern of hire.

Figure 6.2 – Method of hire for last trip



Respondents were asked what time of day and day of the week they obtained their taxi or private hire car. As detailed in figure 6.3, the majority of trips were taken on a Saturday. Overall 46% of trips were in the evening between 6pm-10pm.

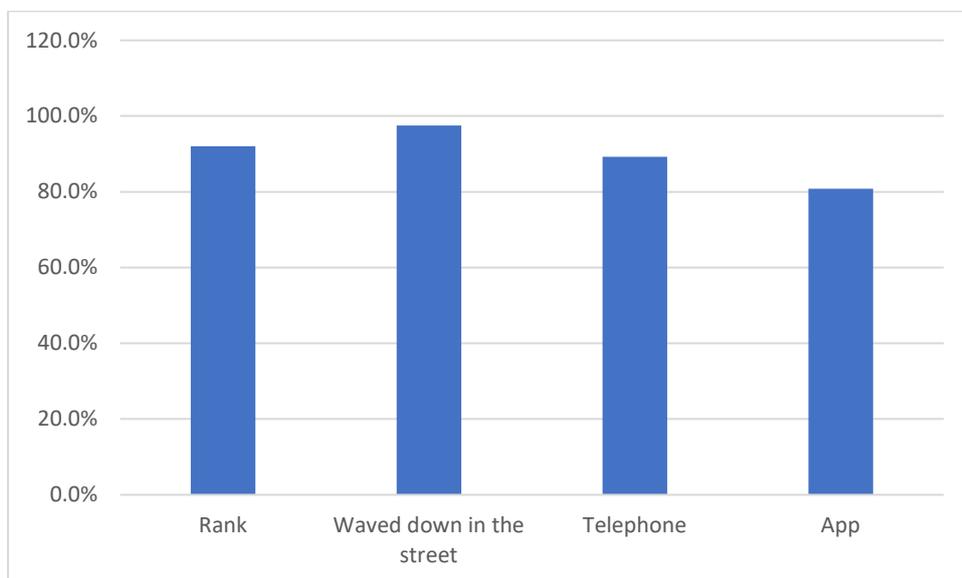
Figure 6.3 – Method of hire for last trip



Respondents were then asked if they were satisfied with the time taken and the promptness of the vehicle’s arrival. When considering all hirings, the majority of customers (91.8%) were satisfied.

Figure 6.4 shows that for each method of obtaining a vehicle, the majority were satisfied with the length of time they had to wait. Those ‘waving’ their vehicle down in the street provided the highest levels of satisfaction.

Figure 6.4 – Satisfaction with delay on last trip by method of hire



Respondents were also asked if they had received any discount on their last trip, with 10% (27) of trip makers stating that they had.

Trip makers were asked to rate five elements from their last taxi journey on a scale from very poor to very good. The results in Figure 6.5 show that all elements were generally good. When poor ratings were given, respondents were asked to provide a reason for their rating. Negative ratings included reasons such as:

Poor English

Poor route decision, however, this is due to all the roadworks and not the drivers fault

Not enough drivers working early morning

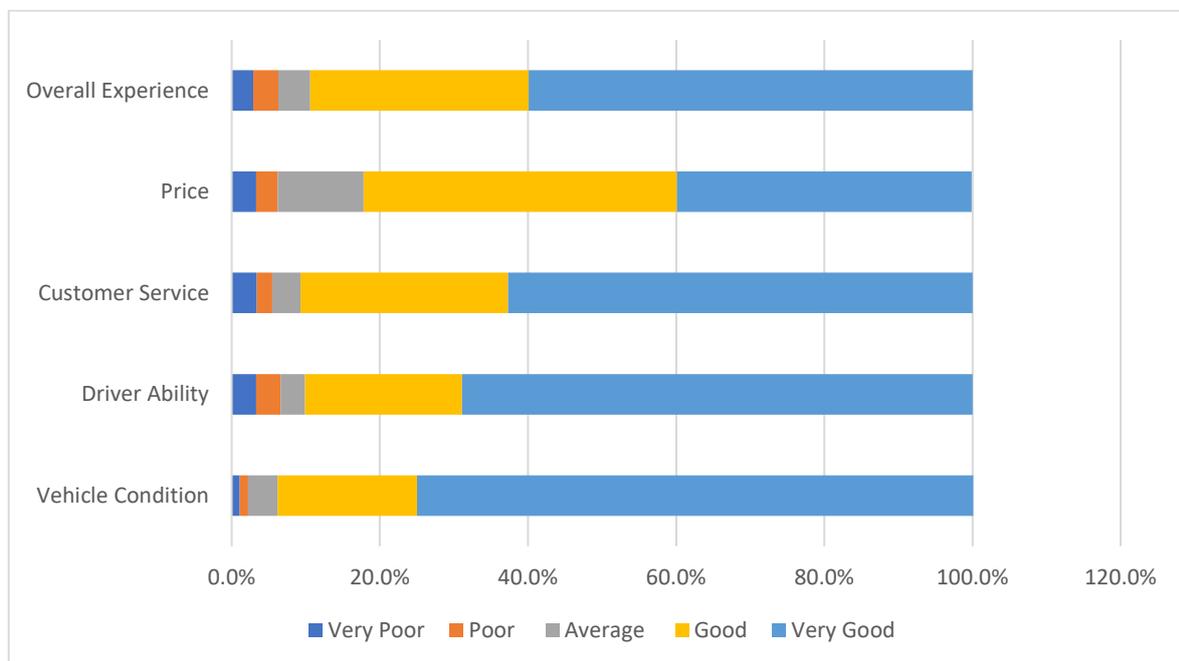
Waiting times are totally unacceptable since the pandemic

Driver had poor knowledge of the route

Smelly vehicle – cigarette smoke

Grumpy driver

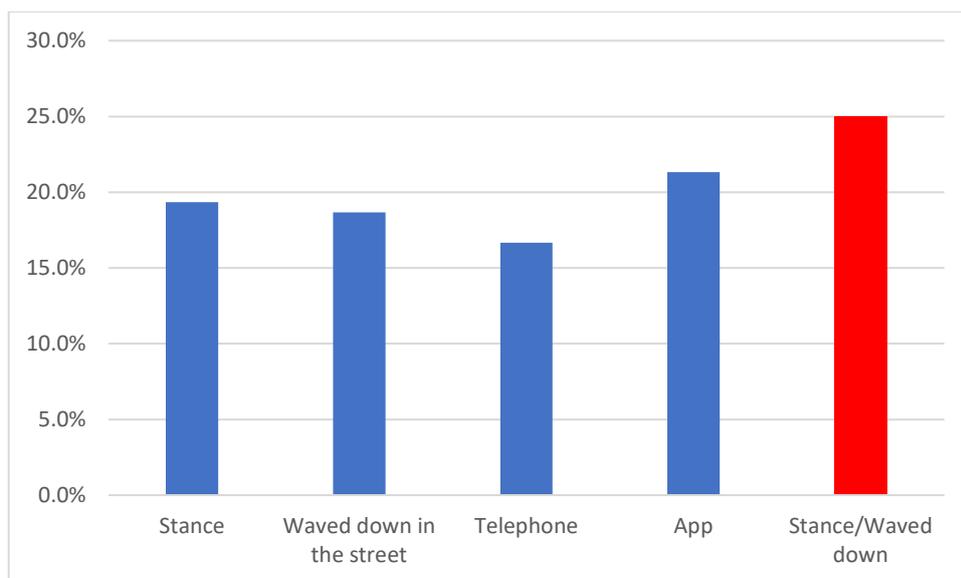
Figure 6.5 – Rating of last journey



### Attempted method of hire

In order to measure demand suppression, all respondents were asked to identify whether or not they had given up waiting for a taxi at a stance or on the street or given up waiting for a taxi or private hire car booked by telephone, or through an online app in Edinburgh in the last three months. The results are summarised in Figure 6.6.

Figure 6.6 – Latent demand by method of hire – Given up trying to make a hiring?



As indicated in Figure 6.6, some 25% of respondents had given up waiting for a taxi at a stance and/or by flagdown in the last three months. This has implications for the interpretation of the results (see Chapter 8 below). This is an increase to the figure identified in 2017 (10.9%).

### Service Provision

The difference between a taxi and private hire car was explained to each respondent prior to asking participants whether they feel there are enough purpose-built taxis in Edinburgh at the current time. Some 75% (222) commented that there are sufficient taxis in Edinburgh.

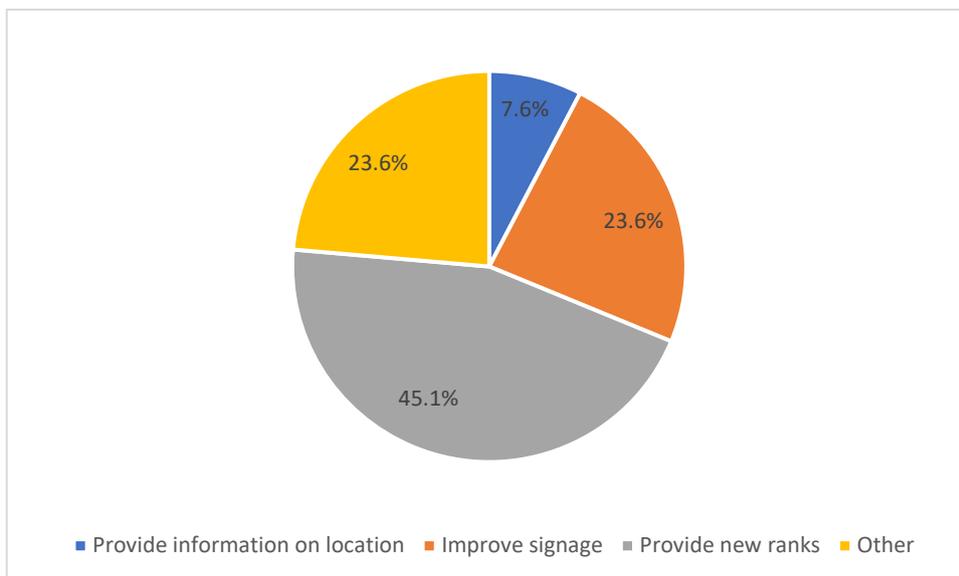
The survey then asked respondents whether they supported the policy of restricting the number of taxis licensed to work in Edinburgh to 1,316 licences. Some 74% (221) of respondents supported the policy.

The survey then asked respondents whether taxi services in Edinburgh could be improved. Some 47% (137) felt that they could be improved while 37% (110) thought no improvements were needed and 16% (47) were unsure.

### Stances

Respondents were asked if they felt there was sufficient provision of taxi stances in Edinburgh. Some 49% (148) of respondents felt that there are currently not enough stances in Edinburgh, 42% stated that there was sufficient with 8% unsure. Suggested improvements from the 49% (148) of respondents who answered 'no' are listed in Figure 6.7.

Figure 6.7 – What needs to be done to improve the provision of taxi ranks / stances in Edinburgh?



Respondents were asked if there were any locations in Edinburgh where new stances were needed. A total of 48% (143) said that new stances were needed in Edinburgh. Those who stated that they would like to see a new stance were asked to provide a location. The most common locations cited included:

Waverley Station

Balmoral Hotel

Waverley Steps

Princes Street

Fort Kinnaird

West end of George Street

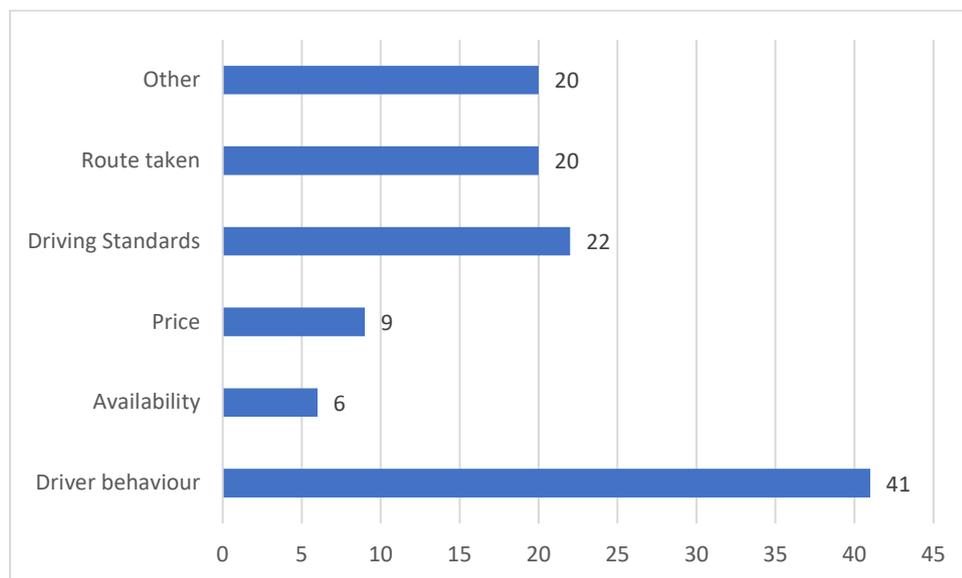
St James Quarter

Complaints

Respondents were asked whether they had made a complaint to City of Edinburgh Council about a Taxi or Private Hire Car. Some 114 respondents stated that they had made a complaint. The

majority of these complaints were made to the driver (46%) with 27% being made to the Council and 27% to the operator. Figure 6.8 sets out the nature of these complaints.

Figure 6.8 Nature of Complaints



### Summary

Key points from the public attitude survey can be summarised as:

Some 36% of hiring's are from a smartphone/table app;

High levels of satisfaction with delay on last trip – waving down in the street provided the highest levels;

Some 25% of people had given up trying to obtain a taxi at a stance or by flagdown;

Some 75% commented that there are sufficient taxis in Edinburgh

High ratings across all categories for the quality of the last trip, however negative comments were generally around drivers taking poor route choices and their attitude;

Despite some low ratings 75% of respondents didn't feel that new training was required

Some 47.4% of people believe that new stances are needed stating Balmoral hotel, Waverley Steps and Princes Street.

## Consultation

### Introduction

Guidelines issues by the Scottish Government state that consultation should be undertaken with the following organisations and stakeholders:

- All those working in the market;
- Consumer and passenger (include disabled) groups;
- Groups which represent those passengers with special needs;
- The Police;
- Local interest groups such as hospitals or visitor attractions; and
- A wide range of transport stakeholders such as rail/bus/coach providers and transport managers.

In order to consult with relevant stakeholders across Edinburgh, written consultation was undertaken.

### Direct (virtual) Consultation

Several stakeholders were invited to attend a series of virtual focus groups. This assured the Scottish Government guidelines were fulfilled and all relevant organisations and bodies were provided with an opportunity to comment. Following the focus groups the written minutes were circulated for comment to the attendees. A summary of the responses received are provided below

### Hackney Trade

All attendees wished to see the numerical limit maintained. Attendees were concerned with the lack of available taxi drivers, the ease with which private hire drivers can become licensed and the lack of enforcement in Edinburgh. The trade was aware that less than 1,316 taxis are operating in Edinburgh which they felt reflected a lack of drivers in the sector. One of the attendees considered there to be a 'perfect storm' – the need for Euro 6 compliance, a lack of drivers, the pandemic and the ease that private hire drivers can enter the market have all had a negative impact on the taxi trade. There is a lack of enforcement which is allowing PH drivers to act as public hire.

Attendees considered that the choice of vehicles that can be licensed as taxis is limiting entry to the market, and they want CEC to review this.

With regard to ranks the attendees discussed a number of issues:

Hope Street rank to be restored

Need eye level signage at ranks

Ranks need to be maintained better

Rank at Market Street should be reinstated as the current one on East Market Street is dangerous

Proposed rank at Haymarket will not work

Needs to be a rank in the vicinity of the Balmoral hotel

Attendees wanted CEC to waive the variation fee for CCTV implementation.

With regard to private hire cars the trade wished to see their numbers limited and the range of vehicles limited to a number of smaller vehicle types. It was also suggested that private hire drivers should sit a topographical test.

Attendees also discussed issues pertaining to the size of some wheelchairs and the need for guidance on how to safely work with wheelchairs.

#### Private Hire Trade

Attendees spent most of the meeting discussing issues around whether private hire cars should be limited in number – this discussion is contained in the Private Hire overprovision report and therefore not discussed here.

All attendees wished to see the numerical limit on taxis removed as this would help with any unmet demand. This point was made in reference to the recent large queues at Edinburgh Airport.

Attendees felt that CEC need to review all of their policies relating to taxi and private hire cars. It was considered that there is a need to go back to the start and re structure the trade in Edinburgh and attendees wished to have a face-to-face meeting with CEC officers to discuss this. Attendees wanted to work more closely with CEC in order to encourage more drivers to come bac in to the trade, especially given the current levels of demand.

#### Indirect (Written) Consultation

Several stakeholders were contacted by letter and email. This assured the Scottish Government guidelines were fulfilled and all relevant organisations and bodies were provided with an opportunity to comment.

In accordance with advice issued by the Scottish Government the following organisations were contacted:

- City of Edinburgh Council;
- Trade representatives;

- User/disability groups representing those passengers with special needs;
- Local interest groups including hospitals, visitor attractions, entertainment outlets and education establishments; and
- Rail bus and coach operators.

A summary of the responses received are provided below.

#### Central Taxis

Central taxis provided a written response as below:

This consultation is proceeding during the persistence of a public health emergency that has had a significantly disruptive effect on the hire and reward sector in Edinburgh. The periods of lockdown and the economic and social restrictions which have been in place for much of the last 2 years led many licensed drivers to leave the taxi trade and to seek employment in other professions. Those drivers who continued to work in the trade altered their working patterns to reflect the lack of a night-time economy. While the situation has improved from the darkest days of the lockdowns, the effects of the disruption remain and are expected to do so in the short and through medium terms at least. For example, the Council continues to require taxi drivers sit and pass a test of their knowledge of the streets and places in the city, but have not provided any facility for those tests to take place for almost 2 years. Accordingly, persons wishing to join the trade have been unable to do so as they could not qualify the conditions set by the Council. Other drivers are returning to the trade, but at a slow pace. This is not least because there remains a general uncertainty in society as to the future course of the pandemic, and the lack of confidence which that brings for a sustained, linear recovery. It is axiomatic in these circumstances that great care must be applied in the interpretation of data which is collected in these unique circumstances if recommendations are not to further distort and disrupt the trade at the time when it most needs time to recover

We consider that the number of taxis, currently set at 1316, serves the city well. This number ensures that there is an adequate supply of taxis for most of the year, and gives sufficient capacity to meet public demand and expectations during those limited occasions of high intensity demand. It also serves to facilitate sufficient work to support the livelihoods of drivers and supports an earning potential sufficient to entice persons from other professions into joining the trade, or to retain persons within it.

CEC should continue to numerically limit taxi numbers. Limitation serves to ensure that demand can be met while maintaining conditions to encourage entry into the trade. It is particularly important to note that the capital costs of entry are now considerable, with vehicles costing from £40,000 to over £60,000. Limitation helps to ensure that entrants can have confidence that this level of investment will see a reasonable return in a reasonable business cycle. Without such effect, the willingness of persons to enter the trade, and the upholding of the high standards which the current policy produces, will inevitably each suffer negatively.

There is a tendency of policymakers to consider taxis as sitting outside of the perceived legitimate forms of public transport. In our view there is a clear and compelling case for treating taxis as an important part of the public transport matrix and in integrating taxi use within transport strategies which govern policy decisions in the city. The current view of taxi use leads to some very unfortunate results, one of which is the limited consideration given to the use of taxis for onward travel, particularly at major transport hubs. We consider it very unfortunate that persons entering the city have to walk very long distances, or search about, for taxi stances at these major hubs, a task one does not often encounter in other major cities in Europe. The ongoing push for environmentally sustainable vehicles also gives cause to seek to encourage more taxi use to tackle the undeniable problem of air pollution and its effects on the population.

With regard to the location of taxi ranks, we consider, the failure to have due regard to the place of taxis as an integral part of the public transport network. The failure to have adequately sized and suitably located stances at major transport hubs, including Edinburgh Airport and both Haymarket and Waverly Train stations has an adverse impact on customers, who are regularly confused when egressing from these hubs only to become puzzled by the lack of any obvious taxi stances. The taxi stance at Haymarket was formerly sight outside the station. Now it is around 150 metres away, and out of sight of those who egress at the eastern doorway. The stance at Waverley is barely visible from those egressing on Market Street, and there is no official rank at the top of the Waverley steps. Passengers expect there to be onward provision at these hubs and the repeated failure to provide same is a stain on the provision of good transport links to residents, businesses and visitors to the city. So too at other locations in the city, including at the east and west ends of Princes Street. Also taxi stances are regularly occupied by non taxi vehicles and greater enforcement is required to ensure that the existing stances operate as they are intended.

Additional ranks are required at Waverly Station, including the Waverley Steps at Princes Street; Haymarket Station and at Edinburgh Airport.

Consideration should be given to raised kerbs at these stances in order to make accessing and egressing from taxis easier for all groups. Signage should be improved, as many stances are invisible to people, particularly if there happens to be no taxis waiting at the point one is seeking to locate a stance. The stances are defined by poorly maintained painted lines on the roads so a stranger to the city has very little chance of identifying it as a stance. Serious consideration could be given to three-dimensional notifications as opposed to the 2 dimensional signs which are used at present.

#### City Cabs

City Cabs provided a written response as below:

We believe there are currently more than enough taxis in Edinburgh, this can be highlighted by the fact that Edinburgh is currently sitting under the council set allocation limit of Taxis. The barriers to entry for new operators in relation to the high expense of vehicles and emissions requirements has created a situation where many simply cannot afford to become operators of Taxis in Edinburgh. We operate with less than the limit of Taxis currently, therefore the market has dictated that the

demand for more licenses is simply not there. The city operates well with the current limit and an increase to licensed vehicles would lead to higher total vehicle emissions within our city.

Yes, CEC should continue to limit the number of taxis, as the barriers to entry are already significant and the demand for more licenses is not there.

Taxis are an integral part of the Public Transport solutions within our City. We believe it is imperative that Taxi stakeholders are included in all consultations and Government policy in the same fashion as Lothian buses. Currently at City Cabs we are working on our environmental impact and have been very successful recently in reducing our carbon emissions through improvements to our dispatch system and reducing the miles covered without a passenger on board.

Waverley station market street rank - this should be relocated back to the original market street rank as soon as possible. The current rank is difficult to locate and visibility is impaired due to distance and street clutter. In addition, the public then have to cross over either East Market Street or Jeffrey Street which is an incredibly busy and complicated location for a passenger and likely stranger to our city to cross. This extra risk to the public is unacceptable and dangerous in our opinion. Additionally, there is a problem with no rank at the Waverley steps exit to the station. There needs to be taxi provision at the exit of our train station and this can be shown by the volume of public who wait there to hail a passing Taxi.

Taxis are all wheelchair accessible which provides a fair and equal service to wheelchair users. Taxis already have many accessibility features. These include assistance for wheelchair users, yellow grab handles and step markings for visually impaired passengers. There is also adequate signage. The random selection of vehicles used for Private Hire makes this difficult, we believe the council should approve 2-3 set vehicles for Private Hire operators and should ensure all signage, visibility enhancements and fixed grab handles should be included for PH vehicles. These need not be wheelchair compliant but should have the full range of benefits to aid disabled passengers otherwise this could be construed as discriminatory to users of PH vehicles.

Concierge, Balmoral Hotel

It was considered that there were sufficient taxis in general in Edinburgh, however this was not always the case especially Friday and Saturday nights and for large events. He wished to see the numerical limit on taxis maintained and made reference to them illegally ranking across the City. He also felt that many black taxi drivers have a complete disregard for any rules in the city and wanted to see stronger punishments for drivers breaking the law. He also felt that taxi drivers should only be granted a licence if they are affiliated with one of the taxi companies so standards can be maintained. The concept of an independent black taxi driver is outdated and should be abolished as they are not answerable to anyone, and many do not maintain high enough standards when it comes to cleanliness and attitude.

Since Waverley Station stopped allowing taxis to rank inside the station it was considered that there has been a persistent problem of taxis ranking around the area instead of using the ranks. The rank on Market Street is too small for the number of drivers who try and rank there whereas there is an

area on Calton Road which is quiet and can accommodate far more cars. One side of the road has been coned off for what seems years now but if that road was opened it would be far more suitable. In other areas of the city you will find more taxis on the ranks than are permitted but again nothing is ever done about this (ie outside The Radisson Hotel and Scottish Parliament).

#### ECAS

ECAS responded to the consultation stating that they haven't used any taxis since March 2020 so are not confident in making any comments.

#### Lothian Centre for Inclusive Living (LCIL)

The representative from LCIL considered there to be enough taxis in Edinburgh but was unsure about whether the Council should maintain the limitation policy. They suggested that greater driver education was needed in order to give a better understanding of the needs of disabled people. It was suggested that more wheelchair accessible taxis were needed together with drivers having more training in handling wheelchairs and checks on equipment for clamping wheelchairs. The representative also stated that 'Some drivers are amazing, just not always'.

#### Drummond Community High School

The representative considered there to be enough taxis in Edinburgh but was unsure about whether the Council should maintain the limitation policy. It was suggested that time keeping for taxi's that are ordered well in advance for school pick ups should be tightened up. More wheelchair accessible taxis were thought to be needed.

#### Currie Community High School

The representative considered there to not be enough taxis in Edinburgh and considered that the Council should remove the limitation policy. The representative considered there to be a serious lack of taxis available at school times, stating that they regularly have taxis turning up more than 30 mins late. It was also noted that sometimes two taxis appear for the same person and that when taxi's turn up so late some of the pupils that have arranged taxi's privately have given up and their parents have come and collected them.

The school feel that because they are slightly remote that pre-booked taxis are forgotten about when there are other fares available in the city centre.

Individual with a Taxi account

This individual commented that there are not enough taxis in Edinburgh, particularly during rush hour and inclement weather.

## Deriving the Significant Unmet Demand Index Value

### Introduction

The data provided in the previous chapters can be summarised using Jacobs' ISUD factor as described in Chapter 4.

The component parts of the index, their source and their values are given below;

Average Passenger Delay (Table 5.2)	0.75
Peak Factor (Figure 5.2)	1
General Incidence of Delay (Table 5.3)	6.85
Steady State Performance (Table 5.1)	11
Seasonality Factor (Section 4)	1
Latent Demand Factor (Section 6)	1.25
ISUD ( $0.75*1*6.85*11*1*1.25$ )	71

The cut off level for a significant unmet demand is 80. It is clear that Edinburgh is below this cut off point as the ISUD is 71, indicating that there is NO significant unmet demand. This conclusion covers both patent and latent/suppressed demand.

## Summary and Conclusions

### Introduction

This study has been conducted by Jacobs on behalf of City of Edinburgh Council (CEC). The overall objective is to provide a full survey of demand for taxis in Edinburgh and to determine whether or not significant unmet demand for taxis exists in terms of section 10(3) of the Civic Government (Scotland) Act 1982. Specific objectives are:

Determine whether there is any significant unmet demand for taxi services in Edinburgh;

If significant unmet demand is found, recommend how many licences would be required to meet this; and.

To determine public perception of the taxi service provided in Edinburgh

To measure demand, including latent demand, for any taxi services to the general public in order to determine whether there is any significant unmet demand in Edinburgh city as a whole, or any part thereof.

The 2021 study has identified that there is NO evidence of significant unmet demand for taxis in Edinburgh. This conclusion is based on an assessment of the implications of case law that has emerged since 2000, and the results of Jacobs' analysis. On this basis the authority has discretion in its taxi licensing policy and may either:

continue to limit the number of vehicles at 1,316;

issue any number of additional plates as it sees fit, either in one allocation or a series of allocations;  
or

remove the limit on the number of vehicles and allow a free entry policy.

The number of hours where excess demand was observed has increased since the last study however passenger delay has reduced. However public satisfaction remains high.

This unmet demand survey has been undertaken in an atypical period given the Covid – 19 pandemic. We are also aware that not all of the 1,316 licences were in use at the time of the survey.

To determine public perception of the taxi service provided in Edinburgh.

Public perception of the taxi service in Edinburgh has been obtained through the undertaking of an online survey. The key results from the survey highlight that

Some 36% of hiring's are from a smartphone/table app;

High levels of satisfaction with delay on last trip – waving down in the street provided the highest levels;

Some 25% of people had given up trying to obtain a taxi at a stance or by flagdown;

Some 75% commented that there are sufficient taxis in Edinburgh

High ratings across all categories for the quality of the last trip, however negative comments were generally around drivers taking poor route choices and their attitude;

Despite some low ratings 75% of respondents didn't feel that new training was required

Some 47.4% of people believe that new stances are needed stating Balmoral hotel, Waverley Steps and Princes Street.

Overall the public were generally satisfied with the taxi service in Edinburgh. Levels of satisfaction with delay were high.

#### Recommendations

The 2021 study has identified that there is NO evidence of significant unmet demand for taxis in Edinburgh. This conclusion is based on an assessment of the implications of case law that has emerged since 2000, and the results of Jacobs' analysis. On this basis, the authority has discretion in its taxi licensing policy and may either:

continue to limit the number of vehicles at 1,316.

issue any number of additional plates as it sees fit, either in one allocation or a series of allocations;  
or

remove the limit on the number of vehicles and allow a free entry policy.



## Appendix 2

### **Deputation to Regulatory Committee 21 November 2021 Item 7.1 PHC Overprovision Report (Kevin Woodburn)**

Thank you, Convenor and Committee, for allowing my Deputation today.

Item 7.1 refers to the Overprovision Report on Licensed PHC Vehicles in Edinburgh conducted by Jacobs. Normally my Deputation to this committee would be in relation to objections to a Report, today however I am not here to object to this Report from Jacobs, more I am here to ask the Committee to reflect on some points, and suggestions I would like to make on the reporting for the future, and to the recommendations made by Jacobs for the ongoing survey situation.

The fact that the findings from Jacobs on this Report are very much reflective of the current aftermath of the Covid Pandemic cannot be underestimated, and I think we can all agree that the probability of even having this Report would have been nil if this had been decided after the Pandemic started. Obviously, the results contained within the Report are very much reflective of the decimation the Trade suffered at the hands of the Pandemic.

We have no objection to the overall findings and the summary that no overprovision of PHC Vehicles exists currently. However, we would like to point out a few things that perhaps the Committee could consider when it comes to other areas contained within the recommendations from Jacobs, and suggestions that could perhaps allow for a more cost-effective solution to the reporting and surveys of demand for both the PHC and Hackney sectors of the trade in future.

Our first point is with reference to the overall reporting on both the PHC provision and the Hackney provision. It seems appropriate that there should be one report on both sectors of the Trade with specific areas of specialty being looked at per licensed vehicle type.

In essence, currently in Edinburgh you have pre-booked hire work and street work. Pre-booked hire work is traditionally looked at as the PHC sector, and street work (ranks, stances and hailing in the street) as Hackney work. However, with the rise in apps and consumer changes to the way in which both Hackney Taxis and PHC vehicles are used, this has become more of a mixed bag and the majority of consumer usage is by way of pre-booked hires for both sectors. This will only increase over the next few years as consumers become more and more discerning and want hired vehicles to come and pick them up at their location rather than wandering about and looking to flag down. With that trend in mind, it is imperative that when looking specifically at overprovision within the PHC sector we must look at the “pre-booked hire bookings” made by consumers, regardless of which sector of the trade that the consumer uses to book.

The PHC sector can only be pre-booked and therefore 100% of the work within the sector is of that type. However, the pre-booked hire customer is also within the hackney sector, and that is fine, but if we are looking at pre-booked hires as Private Hire work, we must look at the entire pre-booked hire marketplace, regardless of the vehicle type being booked. A perfect example of this consumer behavior is around busy nights at the weekend, Edinburgh festival time, rugby internationals and other major events. At this point the PHC sector does not change, customers still book as normal, however when the streets are busy there is more work available to the hackney sector from the street, this in turn means less availability for pre-booked hires within that sector.

The result is more than normal numbers turn to PHC booking offices for a service, in other words greater demand for services when the streets are busy.

In our opinion it is imperative when looking at the pre-booked hire sector we must have data from ALL pre-booked hire operators, regardless of licensed vehicle type.

I must add at this time that there has been a degree of empathy from within the PHC sector in this regard, and a lack of engagement with both Licensing and Jacobs in order to gain the relevant data required, and we take some responsibility for that.

We also feel that there are many relevant factors that would be available from this Booking Office Licence holder's data driven policy. Examples of that are Full-time and Part Time driving, the data available could determine hours worked and give a far more accurate data stream to enable more informed decisions. Differences between those drivers who are not on any booking system but hold licenses to cover contract and council schoolwork only, the entire trade is not out there covering bookings from the public all the time. The toolkit of data available to help make these informed decisions could also include Licensed Vehicle mileage data. Vehicles are tested annually, and mileages are taken regarding MOT data, this data is readily available and would be an extremely useful tool in determining if there have been increases or decreases overall and therefore determining an indicator of supply and demand.

To that end it is our assertion that data driven decision making must form part of the surveys of demand on both sectors, and therefore we would request that it become mandatory that all licensed booking office holders should disclose the relevant information to Licensing for use in the reporting mechanisms for these surveys. We know that this information is important in

making data driven decisions rather than opinions, and that some of this information may be commercially sensitive, but if we use the relevant data in numerical terms and not names address etc, there are no confidentiality issues. Booked vehicles, late bookings, cancelled bookings, customer no shows, number of vehicles working at different times and days, all this data is required to give a relevant picture of the state of the market at any given time. A voluntary approach may work, but given the current response in this Report, we feel that the data must be provided by all involved in the pre-booked sector. We understand this would require a small change to the local Booking Office License conditions, but in our opinion, why should that not be a requirement for those taking bookings in Edinburgh. It can only be in everyone's interests that we have better data driven decisions taken for the future of our collective Trade's.

It is an extremely interesting time within the Trade, and within Edinburgh in general. We are in a climate crisis and the Council has many policy commitments in relation to climate and emissions. The LEZ proposals, George Street and First New Town policies, Net Zero on a national level. At a time when these policies are at the forefront of the members' thinking we should also take cognizance of the fact both PHC and Hackney vehicles form a major part of the Public Transport provision now and in the future of Edinburgh. At a time when the emphasis from Councils around the country is to get citizens away from car use and more active and public transport use it is important that the role of both PHC and Hackney vehicles in helping to achieve that end should be utilized in an informed fashion. Our proposals will give the Council the benefit of a data driven policy that feeds into the Public Transport infrastructure in helping us all to get car use down, and PHC and Hackney Taxi being a transport of choice for the general public alongside walking, cycling and Bus transportation. We as

a Trade welcome the opportunity to be a major part of the infrastructure, you can already see some of the changes being made in electric and hybrid vehicles with more to follow, more choice on those types of vehicles, and not less should be the way forward, our data driven policy change will go a long way to achieving that ambition, and it costs nothing as the data already exists.

In respect of cost effectiveness, we feel that there are so many similarities given the pre-booked status of both sectors that one report covering both sectors of the trade, albeit with consideration taken of rank and street work etc, should be the way forward. The financial consideration given to this report by Jacobs with a budget assessment of £50,000, and presumably similar for the unmet demand survey, we feel a singular report will have substantial savings. We would welcome the opportunity to discuss this with officials and committee members to pursue this opportunity further.

An additional point on this specifically refers to the point made by Jacobs that this Report should be addressed again in 12 months' time, however the unmet demand assessment should be looked at again in 3 years' time. Given our suggestion of one overall report then this may be looked at differently, and obviously financial consideration would also apply if we looked again in 12 months at a similar cost. Again, this is something we would welcome the opportunity to discuss in more detail before a final decision on time scales is taken.

Edinburgh Council has always been seen as one of the leading Councils in the country in the Licensing Arena, we have been at the forefront of much of the Regulatory changes over the years, our proposal offers the Council the opportunity to once again set the standard in reporting of Licensing policy, setting a gold standard on this and other areas of Licensing with data that is already there and readily available at no real cost to the Council represents exactly that golden opportunity that should be

grasped with both hands, setting the standards that other LA's would surely follow.

I could go into other aspects of this report and Items 7.2 and 8.2, both of which have relevance to the PHC and Hackney trade. However, given the shortage of time and other very important items on this Agenda with regards to Prevention of Drug Deaths, I thank the committee for its time today, and request that perhaps we can have a

more in-depth discussion on the format and timing of any future reports with officials and with Members at their convenience. I am happy to answer any questions that the members may have.

**From:** Jonathan Nisbet <[jn@nisbetssolicitors.com](mailto:jn@nisbetssolicitors.com)>

**Sent:** 30 December 2022 18:10

**To:** Gordon Hunter <[Gordon.Hunter@edinburgh.gov.uk](mailto:Gordon.Hunter@edinburgh.gov.uk)>

**Cc:** Scottish Taxi Federation (Work) <[enquiries@scottaxifed.org](mailto:enquiries@scottaxifed.org)>; Committee Committee (Other) <[committee@taxis-edinburgh.co.uk](mailto:committee@taxis-edinburgh.co.uk)>

**Subject:** FW: CEC Reports response.

## **Gordon**

Our clients (Central Radio Taxis and the Scottish Taxi Federation) are in agreement with the recommendations in the reports, namely to retain the taxis limit at 1316 and to review the position concerning overprovision of Private Hire Car vehicles in 12 months' time.

Our clients do continue to urge the Licensing Authority to give due consideration to mandating the use of meters in private hire vehicles. Unlike other licensing authorities, the City of Edinburgh Council does not mandate the use of a meter with regulated fares in a private hire vehicle. Quite why not continues to perplex our clients and others within the taxi trade. Detailed submissions were made by our clients and others concerning the issues this omission causes the paying public. This situation has grown worse since those submissions. We are aware of the significant increase in the incidence of price gouging in the city, through Uber's "surging" policy. While this may support a conclusion that overprovision is not much in evidence presently, it also ought to be a development of significant concern for the Licensing Authority. The paying public are suffering from a practice which, on any view, has an egregiously unfair effect on residents and visitors to the city in their use of hire and reward vehicles. The price gouging also creates a significant imbalance between the earnings of the fully trained professional taxi driver and the driver of private hire vehicles; the former being restricted to using the meter for all fares commencing and completing within the city boundary, even if pre-booked. By failing to mandate a meter in private hire vehicles, the Licensing Authority is actively facilitating these negative impacts upon the paying public despite having the power - and we would argue responsibility - to act. This stance also appears to our client to be at odds with the position taken by the Licensing Authority in relation to the addition of "technology fees", which were pointedly the subject of a warning given to all earlier this year. Why can it be that the Licensing Authority considers it appropriate to argue against the application of additional fees levied by app providers (i.e. not by licensed drivers), but it is prepared to actively facilitate all manner of other unfair pricing being visited upon consumers by the drivers of private hire vehicles?

The case for mandated meter usage is reinforced by the increased use of virtual meters by private hire companies. These increasingly are being used in replacement for CEC fitted meters. These virtual meters perform a similar function to those installed by CEC's approved installers, by allowing passengers to see the cost of the journey as it develops. However, they do not provide the fare controls put in place by the Council to protect consumers.

Another anomalous provision is the allowance by CEC of a Reduced Tariff to be applied to a metered vehicle, but not also allowing a higher tariff to the same vehicle for use in certain circumstances (beyond festive periods). There is no question that this is a consumer protection measure. However, the same Licensing Authority has nothing to say when a meter is removed from a Private Hire Vehicle which it licenses, with the result that consumers pay considerably more than the regulated tariff rates for the same journey in that vehicle.

Put simply, if this Licensing Authority is not prepared to protect consumers by requiring the use of metered fare rates for all journeys within the city, then it requires to recognise that

taxis should also be able to take advantage of periods of high demand by having their own surge pricing tariff. Our client would much prefer if the Council acted to protect consumers than to facilitate a wider use of price gouging to the detriment of the paying public.

Thanks

Best regards

Jonny Nisbet

Principal & Solicitor Advocate

Nisbets, Solicitors & Solicitor Advocates

Email: [jn@nisbetssolicitors.com](mailto:jn@nisbetssolicitors.com)

Tel: 07967754488

[www.nisbetssolicitors.com](http://www.nisbetssolicitors.com)



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Uber Scot Ltd  
31/1 Silvermills Court  
Henderson Place Lane  
Edinburgh  
EH3 5DG  
United Kingdom

Monday 26th December 2022

**Response to Assessment of Overprovision of Private Hire Cars within the City of  
Edinburgh Survey of Demand for Taxis within the City of Edinburgh**

Submitted by email to [gordon.hunter@edinburgh.gov.uk](mailto:gordon.hunter@edinburgh.gov.uk)

Dear Mr Hunter

Thank you for the opportunity to comment on the above report from the Regulatory Committee. We support the conclusions of the Jacobs Review and the Committee's subsequent recommendation not to impose a cap on the number of Private Hire Cars (PHC) in Edinburgh.

**ABOUT UBER**

Uber operates in almost 60 towns and cities across the UK, connecting over 85,000 licensed private hire vehicle (PHV) drivers with five million customers – supporting the shift towards more shared and sustainable transport. In September we launched Uber Travel in the UK, which makes intercity trains, coaches and nationwide car rentals available to book on the app, alongside the existing options of PHV, e-bikes, e-scooters and Uber Boat by Thames Clipper.

In Scotland, we have been licensed in Glasgow (since May 2015) and Edinburgh (since March 2015), where we partner with local drivers to service tens of thousands of customers each year. Nationally Uber is a member of the Institute of Licensing which comprises practitioners from regulatory, industry and legal fields to advance the development, evaluation and ethical conduct in the field of PHV licensing.

To date, Uber is the leading operator in the UK to treat drivers as 'workers' in the private hire industry. This means drivers on the Uber app receive holiday pay, access to a pension plan, and are guaranteed at least the National Living Wage (with actual earnings often significantly higher), whilst maintaining the total flexibility over when, how often, and where they work – something which drivers consistently tell us they value.



#### **RESPONSE TO THE JACOBS REVIEW**

Since the pandemic we have experienced a significant reduction in PHC supply in cities across the UK including Edinburgh. This imbalance between demand and supply does not just impact reliability, with a significantly higher proportion of riders unable to get a ride on request (demand since 2019 has increased by 7.5%+ YTD 2022), it also presents a safety issue, especially for people traveling late at night when fewer public transport options may be available (for example coming home from a late shift at work, or after a night out).

We believe that any future assessment of supply should be demand-driven and not purely based on the number of licensed vehicles. Relying on an arbitrary cap on the number of vehicles does not accurately reflect the real-time number of vehicles on the road or whether riders are able to secure a ride home. By utilising data that highlights demand fulfillment, the city will be able to get a much clearer picture of supply needs.

Our data indicates that there is significant unmet demand in Edinburgh and that an increase in supply is required, particularly as city centre footfall increases, the city prepares for the summer season and plans for a private car-free centre. We believe that we could support the city to meet demand and create a significant number of new earnings opportunities by attracting new drivers.

We suggest that a future review does not need to be done within 12 months as suggested by Jacobs as we do not think anything material would have changed within such a short time period.

If requested we would welcome the opportunity to discuss this in more detail with committee members or officials. Thank you again for the opportunity to comment and we look forward to continuing to work with the city to support its transport and sustainability objectives.

Kind regards.

**Matthew Freckelton**

Head of Cities, UK

**Uber**