

Public Document Pack



Meeting: EAP Sustainable Communities

Date: Wednesday 9th August 2023

Time: 9.30 am

Venue: Virtual meeting via Zoom


The meeting will be available for the public to view live at the 'Democratic Services North Northants' YouTube channel.

To members of the EAP Sustainable Communities

Councillor Harriet Pentland (Chair), Councillor Tim Allebone, Councillor Jennie Bone, Councillor Alison Dalziel, Councillor Dez Dell, Councillor Jan O'Hara and Councillor Roger Powell

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04	LCWIP – Kettering	Chris Wragg	7 – 22
05	Hackney Carriage De-Zoning, Byelaws and Number Limits	Amanda Wilcox	23 – 36
06	Energy Contract Procurement (to follow)	Jonathan Waterworth	--
07	Close of Meeting	All	--

Adele Wylie, Monitoring Officer
North Northamptonshire Council



Proper Officer
1st August 2023

This agenda has been published by Democratic Services.

Committee Administrator: Raj Sohal

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Where a matter arises at a meeting which **relates to** other Registerable Interests, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but must not take part in any vote on the matter unless you have been granted a dispensation.

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Minutes of a meeting of the EAP Sustainable Communities

Held at 9.30 am on Wednesday 14th June, 2023 as a virtual meeting, via Zoom

Present:-

Members

Councillor Harriet Pentland (Chair)
Councillor Jennie Bone
Councillor Jan O'Hara

Councillor Tim Allebone
Councillor Dez Dell
Councillor Roger Powell

Officers

Nicole Geary
Greg Haynes
Graeme Kane
Raj Sohal
Andra Stopforth

Transformation Project Manager
Climate Change and Sustainability Officer
Executive Director – Place and Economy (Interim)
Democratic Services Officer
Principal Planning Policy Officer

18 Apologies for Absence

Apologies for absence were received from Councillor Alison Dalziel.

19 Members' Declarations of Interest

No declarations were made.

20 Minutes from Meeting held on 26th April 2023

RESOLVED that:

The minutes of the meeting held on the 26th April 2023 were agreed as an accurate record.

21 Carbon Management Plan Q1 Update

The Panel considered a presentation by The Transformation Project Manager, which provided a quarterly update regarding the performance of the North Northamptonshire Carbon Management Plan.

During discussion, the principal points were noted:

- Members queried whether the activity targets outlined in the presentation were available for the public to access.
- Members queried how the Voi scooter driver awareness courses formed part of the Carbon Management Plan. One member also questioned how the local authority intended to encourage residents to complete courses.

In response, The Transformation Project Manager clarified that:

- All activity targets were available for the public to view online within the wider Carbon Management Plan.
- The Voi scooter driver awareness courses encouraged the use of electric transportation, as potential riders often felt more comfortable through completing such courses. Course information was also made easily accessible through user-friendly webpages, which were promoted to local residents.
- One of the activities outlined in the plan included the development a new curriculum for mandatory carbon literacy training, which would be made available to all members and officers.

RESOLVED that: The report be noted.

22 Local Nature Recovery Strategy Engagement

The Panel considered a presentation by The Principal Planning Policy Officer, which outlined the North Northamptonshire Local Nature Recovery Strategy (LNRS)

During discussion, the principal points were noted:

- Members suggested that sufficient funding would need to be provided to planning policy in order to support the LNRS in achieving its aims.
- Members queried whether the LNRS was intended to replace the Northamptonshire Biodiversity Action Plan, which expired in 2020, or operate in addition to it.
- Members acknowledged that the LNRS was a long-term prospect and queried whether with its completion, it would provide additional protection to areas from industrial development.
- One member expressed concern that certain open spaces and natural habitats within North Northamptonshire were no longer protected from industrial development, following the removal of their designation as places of 'historical and visual interest'.

In response, The Principal Planning Policy Officer clarified that:

- The LNRS had been formulated following the introduction of The Environment Act. As a result, the local authority intended to update the Local Nature Partnership in line with new regulations. Nevertheless the Biodiversity Action Plan remained relevant and had only 'expired' in title.
- The local authority was in the process of updating its local plan - the LNRS would serve as a key piece of evidence in strategic planning and form a material planning consideration for areas' priorities.
- Case officers would need to assess evidence and criteria when determining planning applications relating to open spaces. Larger areas for nature recovery would fall under other policies.

RESOLVED that: The report be noted.

23 EAP Sustainable Communities Forward Plan

The Democratic Services Officer presented the EAP Sustainable Communities Forward Plan and clarified that the agenda of the next meeting would include the following items:

- Kettering LCWIP
- Hackney Carriages De-Zoning
- Energy Contract Procurement

RESOLVE that: The report be noted.

24 Close of Meeting

It was noted that the next meeting of the EAP Sustainable Communities would be held on Wednesday 9th August 2023 at 9:30am.

Chair

Date

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Kettering Local Cycling and Walking Infrastructure Plan (LCWIP) Public Consultation

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Chris Wragg - Head of Strategic Transport

Agenda Item 4

Structure of Presentation

- What is an LCWIP
- Kettering LCWIP overview
- Results from recent Kettering LCWIP public consultation
- Brief update on other LCWIPs in North Northants

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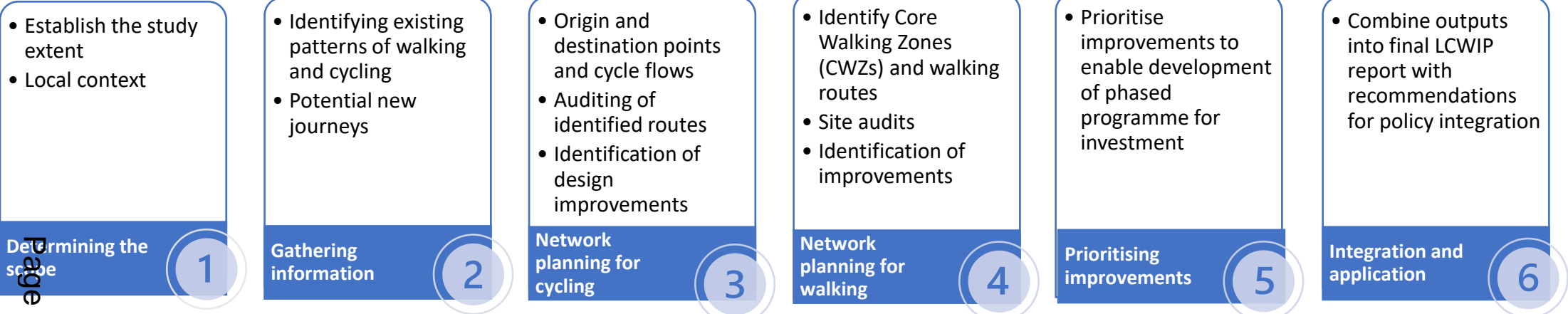
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Local Cycling and Walking Infrastructure Plans (LCWIPs)

- LCWIPs provide a long-term, evidence-based approach to developing local cycling and walking networks, usually over a 10 year period. LCWIPs are intended to assist Local Authorities to achieve the following:
 - Identify prioritised cycling and walking infrastructure improvements for future investment in the short, medium and long term
 - Ensure that consideration is given to cycling and walking within both local planning and transport policies and strategies; and
 - Make the case for future funding for walking and cycling infrastructure. LCWIPs are a vital element for the future Local Transport Plan.



LCWIP stages



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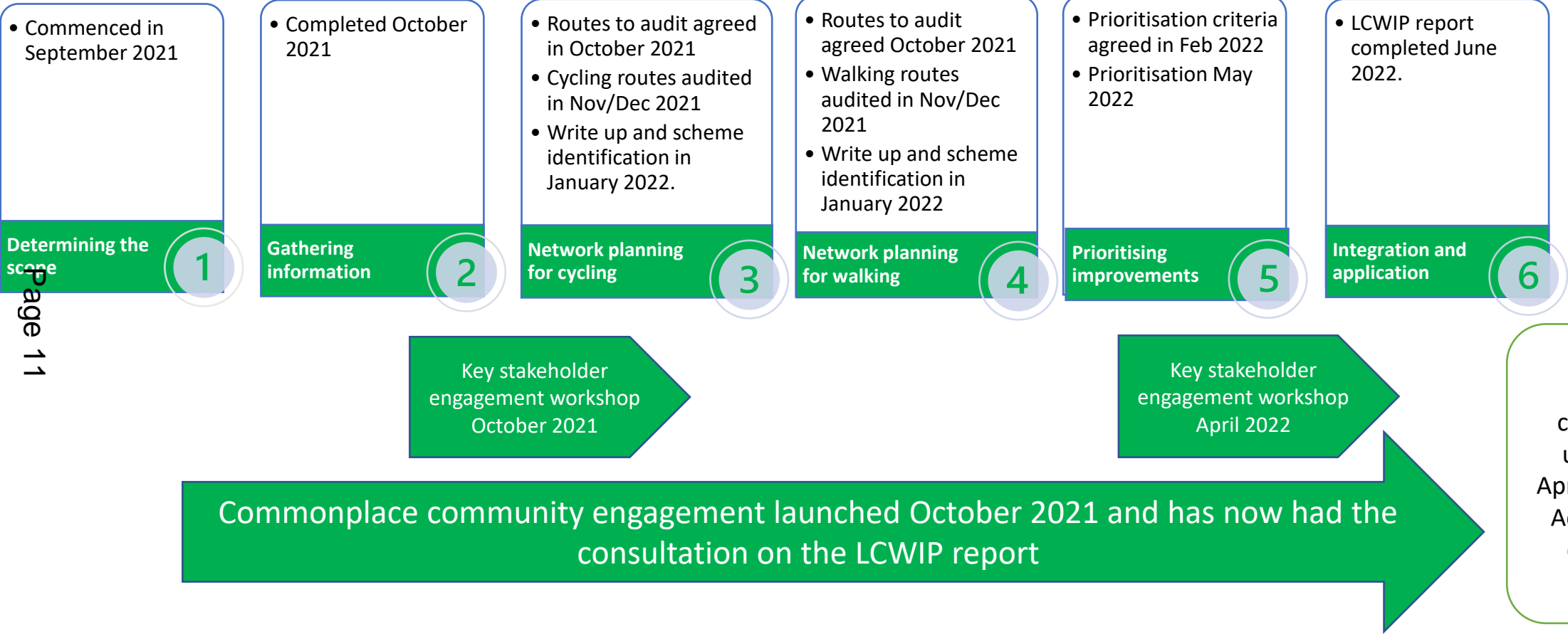
Key stakeholder engagement workshop

Key stakeholder engagement workshop

Community engagement

Public consultation, adoption and delivery

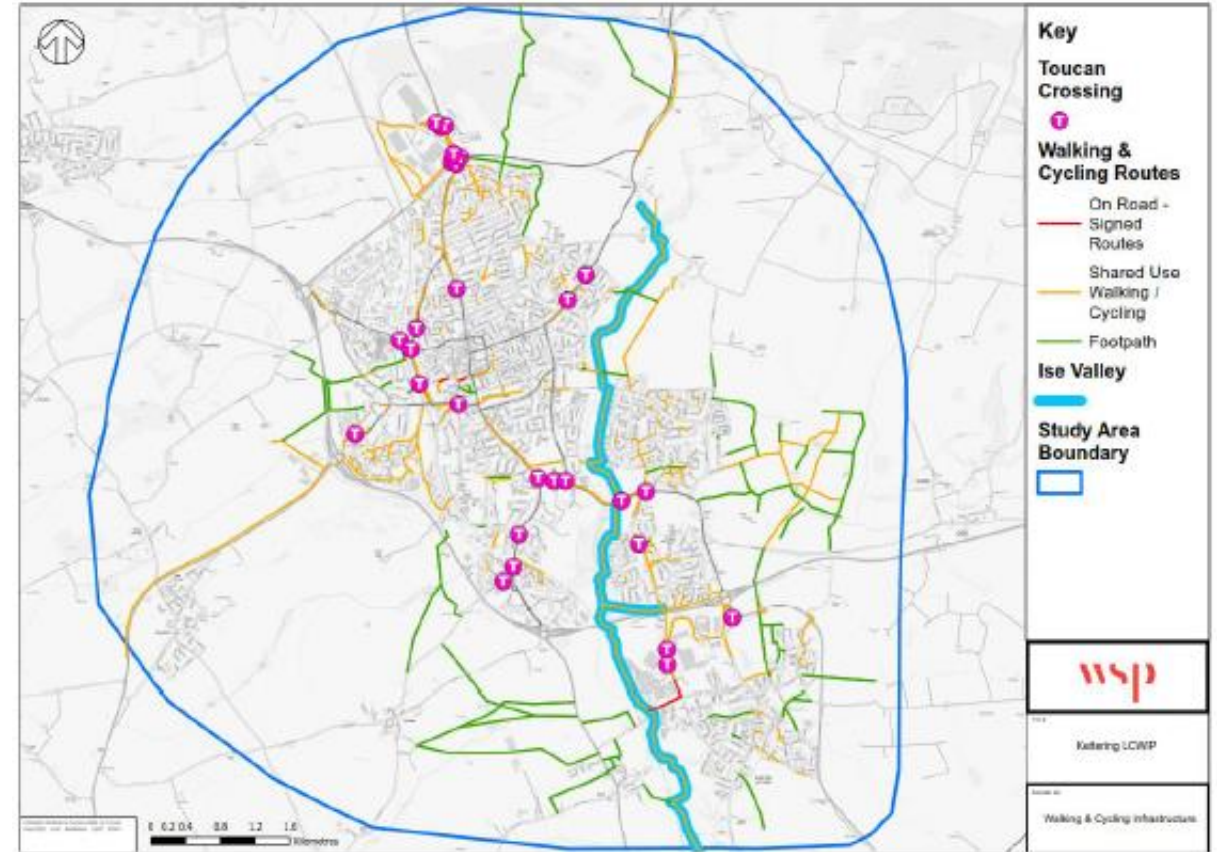
Progress overview for Kettering LCWIP



Scope of Kettering LCWIP

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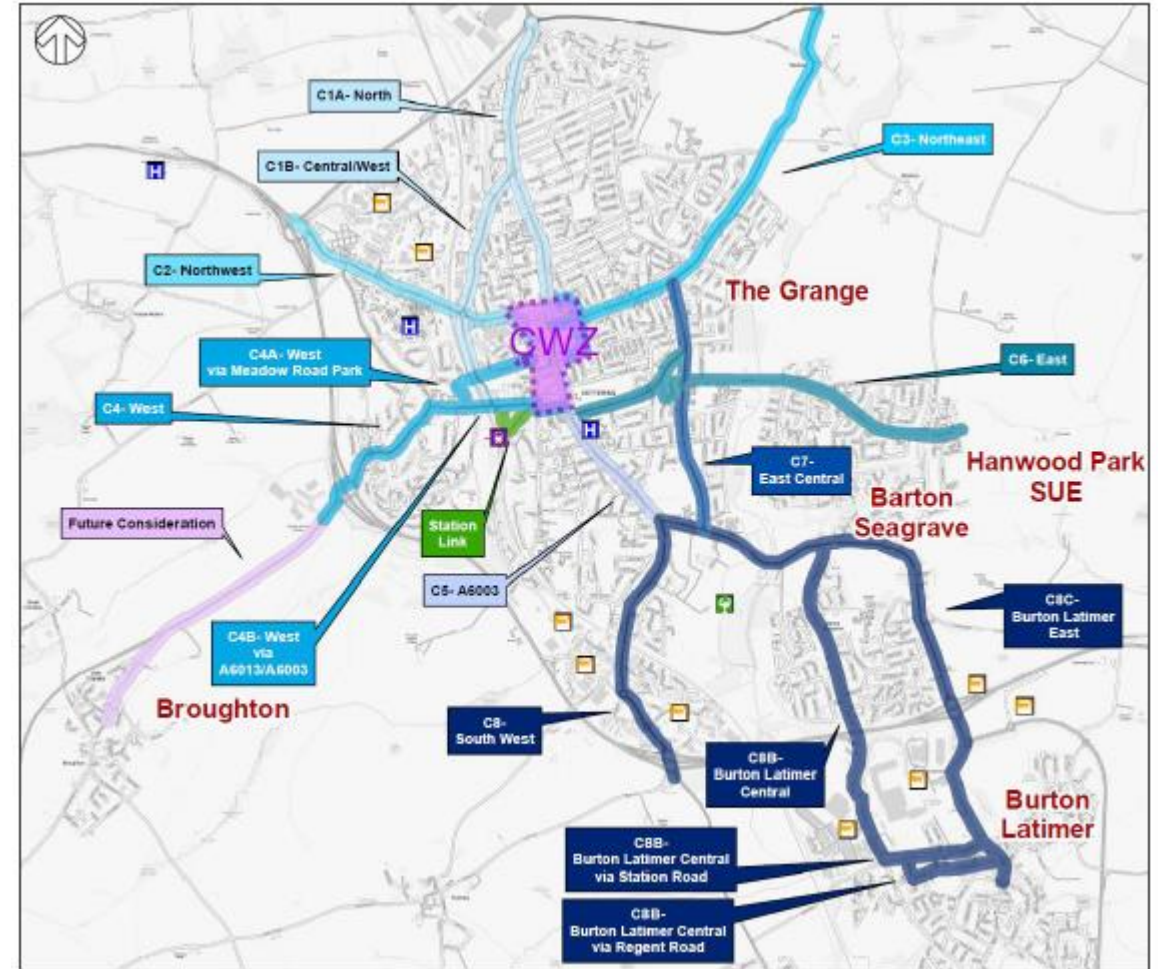
- Study extent based on up to 5km cycle distance, but with Burton Latimer included due to the potential for cycle movements.
- Core walking zone (5 minute walk) and 2km radius
- Designed to link with Greenways strategy



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Identified cycling routes

- A numbered series of cycling routes listed. These provide a comprehensive and linked network for the plan area.
- Specific proposals for each route identified, in terms of type of facility, crossing provisions etc.
- Recent public consultation includes the proposals for each cycling route.



Prioritisation of cycling routes

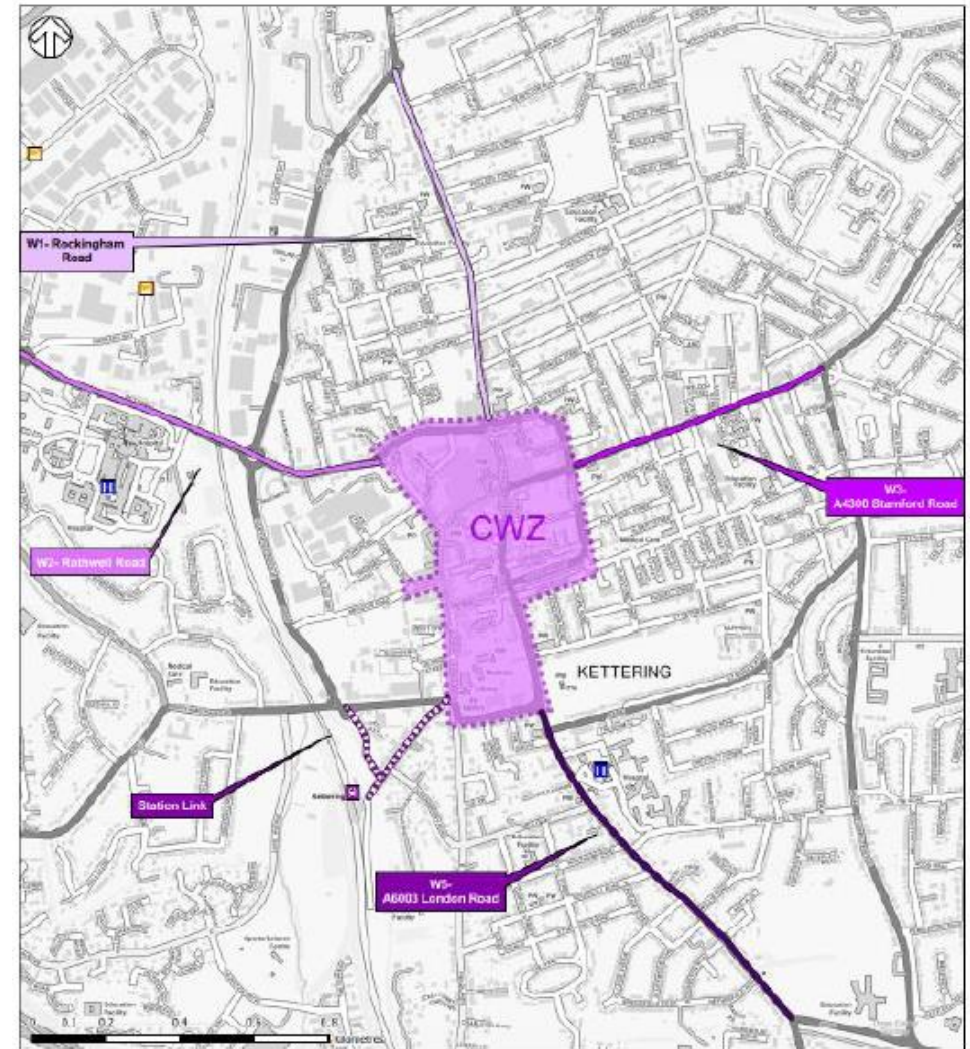
- Prioritisation framework developed, based on the DfT LCWIP guidance. This considers schemes effectiveness, delivery against policy and deliverability. A financial criteria for schemes has also been included.
- Cycling routes prioritised into short, medium and longer term proposals.
- Recent public consultation includes the identified relative priority accorded to each cycling route cycling route.

Ranking	Cycle Route	Route Description	Timescale
1	3	Northeast - Connection to Weekley (along Stamford Road)	Short term
1	6	East - St Mary's Road and Deeble Road	Short term
3	5	South - London Road (Connecting South to C8)	Short term
3	8a	South West - Pytchley Road	Short term
5	9	Station Link	Medium term
6	2	Northwest - Rothwell Road (Hospital Route)	Medium term
7	1a	North - Rockingham Road	Medium term
7	8c	Burton Latimer – A6003	Medium term
7	8	Wicksteed Park Route	Long term
10	7	East Central - Windmill Avenue	Long term
11	1b	North - Northfield Avenue	Long term
12	4	West - Northampton Road and Lake Avenue	Long term
13	8b	Barton Seagrave Route	Long term



Identified walking routes

- A core town centre walking zone and 5 walking link routes identified
- Proposals listed for 3 of the routes within the core town centre walking zone (Lower Street, Tanners Lane and Northall Street/Eskdail Street).
- All 3 walking routes prioritised as short term proposals.
- The improvements proposed within the cycle routes also provide enhanced conditions for pedestrians.
- Recent public consultation includes the proposals for each walking route and their priority.



Kettering LCWIP Consultation Responses

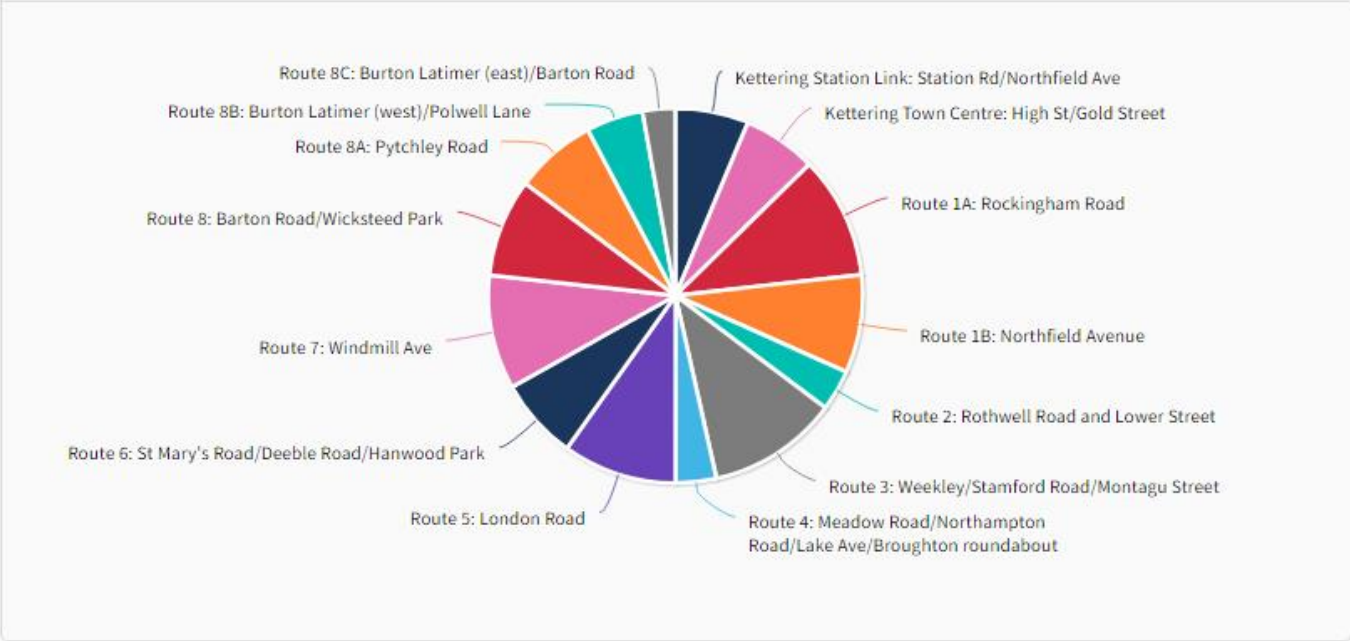
How do you feel about this overall plan?

- 81% of respondents were either happy or satisfied with the overall LCWIP
- Only 3% were unhappy with the LCWIP.

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Which Individual Routes do you Think Should be Prioritised?

The chart shows each of the 14 routes and the proportion of responses which identified them as a priority. The most commonly identified routes for priority broadly corresponds with those identified within the LCWIP report .



Kettering LCWIP Consultation Responses

Detailed Comments on the Proposed Improvements

These have been analysed and compiled within a Consultation Report. Examines the comments received for each proposed improvement.

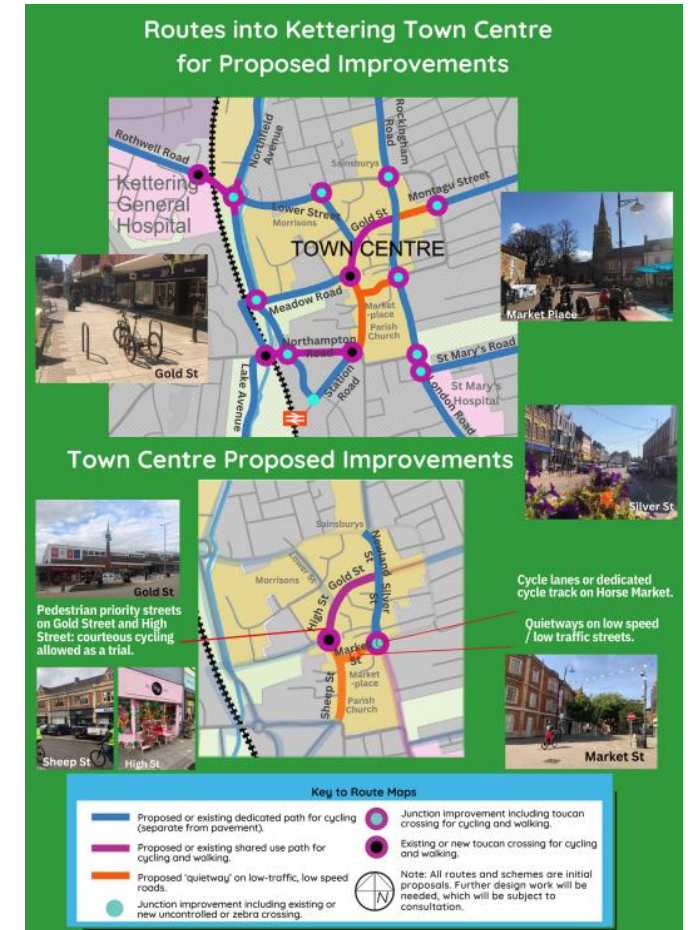
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Main Comments Received

Many comments supportive of the LCWIP proposals, with very small proportion providing negative comments.

Criticism of the standard of previously implemented infrastructure for cyclists and pedestrians.

The comments received will be provided to the design teams that take forward the development of the initial LCWIP proposals.



Wellingborough LCWIP

- Analysis previously undertaken by Sustrans and Active Planning
- Initial stakeholder engagement commenced April 2023. Responses suggest inclusion of Higham Ferrers and Rushden within a single LCWIP rather than separate LCWIPs.

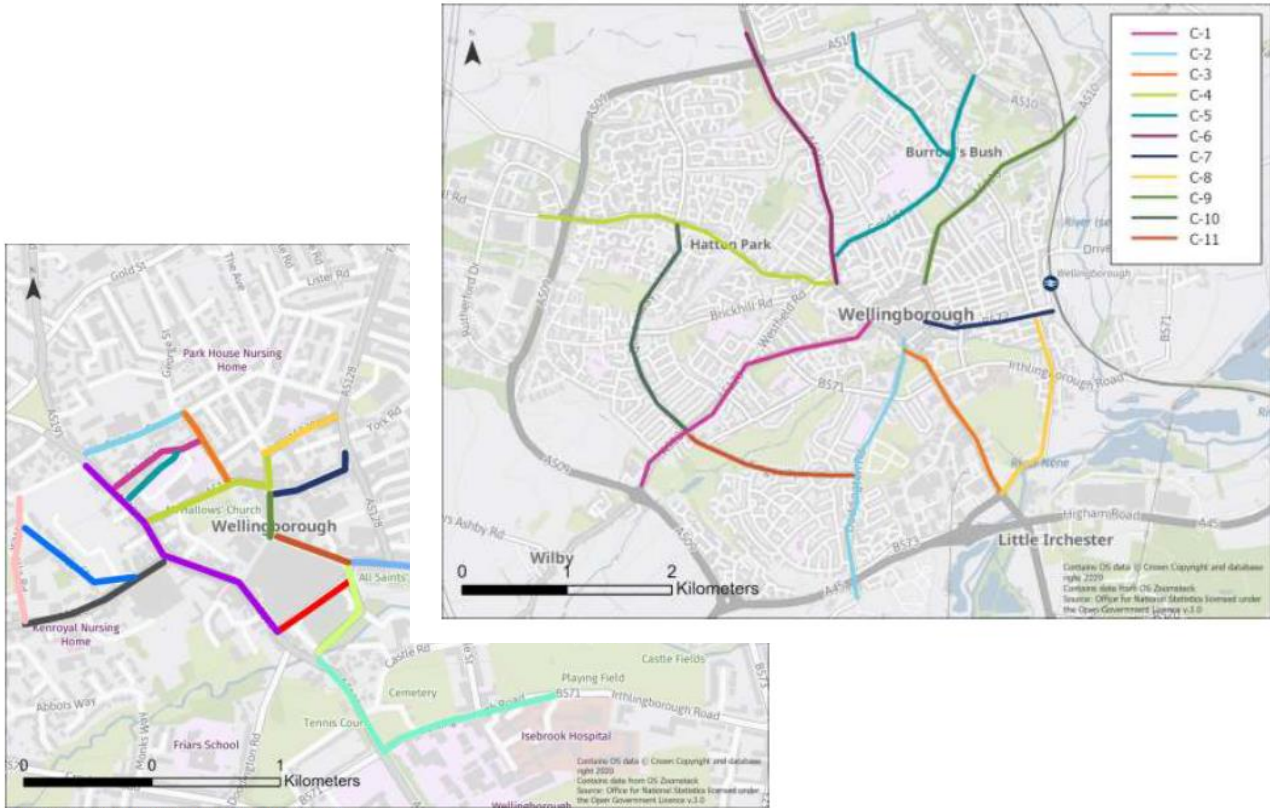
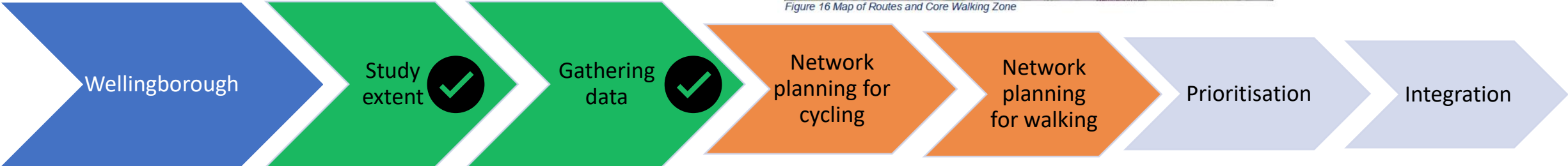


Figure 16 Map of Routes and Core Walking Zone



Higham Ferrers and Rushden LCWIP

- Initial stakeholder engagement workshop undertaken in July 2023.
- Focus upon linkages with Greenways Strategy.
- Responses included for a wider area to be covered by the plan.



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Questions





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Sustainable Communities Executive Advisory Panel 09 August 2023

Report Title	Hackney Carriage De-zoning, Hackney Carriage Byelaws and Hackney Carriage Number Limits.
Report Author	Iain Smith, Assistant Director Regulatory Services iain.smith@northnorthants.gov.uk

[You should check the relevant boxes below and enter the paragraph number/s if the report is exempt or confidential. Seek advice from Democratic Services if unsure.]

Are there public sector equality duty implications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information (whether in appendices or not)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972	

List of Appendices

None

1. Purpose of Report

The Authority will need to consider whether to retain the current Hackney Carriage zones, or to remove the zones and implement the associated actions arising from the decision. This report highlights the keys points for consideration.

2. Executive Summary

- 2.1. Hackney Carriage zones are the result of the restrictions of historic hackney carriage legislation when changes are made to Local Authority areas. When North Northamptonshire Council was formed, for the purposes of hackney carriage licensing, the previous sovereign authority areas continued to be the zones for licensing purposes.
- 2.2. As there are four hackney carriage zones, North Northamptonshire Council (NNC) has four separate arrangements and systems in place for each zone, this includes licences, vehicle plates, byelaws, fare tariffs and fees and charges. This report details the options for the future of zoning in North

Northamptonshire and highlights the action required if a decision is taken to remove the separate zones.

3. Recommendations

- 3.1 It is recommended that the Executive Advisory Panel considers the proposal to undertake a consultation process on the potential removal of the Hackney Carriage Zones.
- 3.2 The options available for Members to consider are detailed in paragraphs 5.5 and 5.6 of this report.

4. Report Background

Dezoning

- 4.1. Hackney Carriage zones are the result of changes to Local Authority areas and the restrictions of historic hackney carriage legislation.
- 4.2. As a result of a number of Acts of Parliament up to the 1974 reorganisation, Hackney Carriage licensing was a function of the various rural district, urban district, borough and county borough councils.
- 4.3. When the Local Government Act 1972 created two tiers of local government it carried over the requirements of the Public Health Act 1875, continuing the application of hackney carriage licensing to district councils and specifying that the prescribed distance described in the Town Police Clauses Act 1847 was within the area of those councils.
- 4.4. In 2021 North Northamptonshire Council became a unitary authority for the sovereign areas of Corby, East Northamptonshire, Kettering and Wellingborough, this meant that the sovereign authority areas had to continue as zones for hackney carriage licensing rather than transitioning to one area.
- 4.5. This means that each zone continues to have to licence its own hackney carriages and drivers and operate to the byelaws in existence for that sovereign area. It also means that a driver and vehicle wishing to operate across the whole of North Northamptonshire would need to obtain four licences for each. There also need to be separately set fees and fares in place for each of the zones.
- 4.6. The Authority can make one of two decisions, it can either retain the existing four hackney carriage zones or remove them and revert to one zone for the whole of the North Northamptonshire area. It is not legally possible to amalgamate two or more zones.

4.7. The current Department for Transport document Taxi and Private Hire Licensing: Best Practice Guidance issued in 2010, states in relation to zones (paragraph numbers from guidance):

89. The areas of some local licensing authorities are divided into two or more zones for taxi licensing purposes. Drivers may be licensed to ply for hire in one zone only. Zones may exist for historical reasons, perhaps because of local authority boundary changes.

90. The Department recommends the abolition of zones. That is chiefly for the benefit of the travelling public. Zoning tends to diminish the supply of taxis and the scope for customer choice - for example, if fifty taxis were licensed overall by a local authority, but with only twenty five of them entitled to ply for hire in each of two zones. It can be confusing and frustrating for people wishing to hire a taxi to find that a vehicle licensed by the relevant local authority is nonetheless unable to pick them up (unless pre-booked) because they are in the wrong part of the local authority area. Abolition of zones can also reduce costs for the local authority, for example through simpler administration and enforcement. It can also promote fuel efficiency, because taxis can pick up a passenger anywhere in the local authority area, rather than having to return empty to their licensed zone after dropping a passenger in another zone.

91. It should be noted that the Government has now made a Legislative Reform Order which removed the need for the Secretary of State to approve amalgamation resolutions made by local licensing authorities. The Legislative Reform (Local Authority Consent Requirements) (England and Wales) Order 2008 came into force in October 2008. Although these resolutions no longer require the approval of the Secretary of State, the statutory procedure for making them – in paragraph 25 of schedule 14 to the Local Government Act 1972- remains the same.

4.8. If the Authority decides to remove the zones, then it will also need to consider what, if any, actions need to be taken with regard to existing driver and vehicle licences.

4.9. There are a number of matters to be considered:

- In order to obtain a hackney carriage driver licence, it is first necessary to pass a knowledge test relevant to the zone in which the individual intends to drive. Currently there are four separate knowledge tests and if zones are removed, consideration will need to be given to the form of this test, due to the size of the district.
- The driver's badge refers to the zone in which the licence holder can drive.
- The licence and licence plates for hackney carriages reference the zone in which the vehicle can operate as a hackney carriage.

4.10. There is currently a separate section in the new North Northamptonshire wide Taxi and Private Hire Policy for each zone. If zones are removed, all licences

would be issued under the same section of the policy, which would ensure consistency of information.

Byelaws

- 4.11. Should a decision be taken to remove the four zones, it will also be necessary to consider the implementation of new hackney carriage byelaws for the Authority. Each former authority currently has a set of byelaws in its own right which will no longer have affect if the zones are removed.
- 4.12. The Department for Transport (DfT) has a set of model byelaws, of which the former authorities use an older version, which the Authority may use as provided by the DfT, or the Authority may seek to modify them. DfT currently has a new set of model byelaws out for consultation which the Authority may wish to wait for before commencing this process, but we do not have a confirmed date when these will be published.
- 4.13. The byelaws which the Authority wishes to adopt, model or otherwise, need to be submitted to the DfT for provisional approval.
- 4.14. The Authority has previously sought advice from DfT on the timescale for this procedure and their advice was that if the byelaws are not considered controversial, for example if they replicate the model byelaws that have been recommended by the Department, then the Secretary of State can grant approval relatively quickly. If proposed changes are controversial though and deviate from the model byelaws, they will take longer to be considered and for approval to be granted. Use of model byelaws may therefore be the preferable option given that there has been no indication that any additional byelaws are required for this purpose at this time.
- 4.15. Should the Authority wish to remove the hackney carriage zones, it will therefore need to align that decision with the coming into effect of the new byelaws.

Limit on Hackney Carriage Numbers

- 4.16. One other matter that will need to be considered is the issue of limitation of hackney carriage numbers. Of the four former authority areas, only Corby has a limit on the number of hackney carriage licences permitted.
- 4.17. The Transport Act 1985 amended the Town Police Clauses Act 1847 to allow licensing authorities to limit the number of hackney carriages if they wished, where there is no significant unmet demand.
- 4.18. In November 2003 the Office of Fair Trading published a market study into the regulation of hackney carriages (taxis) and private hire vehicles in the UK. The study highlighted concerns surrounding the limiting of the number of hackney carriage plates available in the marketplace by some local authorities.

4.19. That study was put before the Government who produced a Government Action Plan for taxis and private hire vehicles requiring those local authorities who still restricted hackney carriage plates, of which 45% still did at the time, to review their local policy on hackney carriage plate restriction.

4.20. The DfT document Taxi and Private Hire Licensing: Best Practice Guidance issued in 2010 states in relation to limiting (paragraph numbers from Guidance):

45. The present legal provision on quantity restrictions for taxis outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis 'if, but only if, the [local licensing authority] is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet'.

46. Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.

47. Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?

48. In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.

49. If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.

4.21. The current (as of 8 June 2023) numbers of hackney carriages licensed in North Northamptonshire are shown below:

Wellingborough	- Number of hackney carriages = 34
Corby	- Number of hackney carriages = 114
East Northants	- Number of hackney carriages = 35
Kettering	- Number of hackney carriages = 45
	Total 228

4.22. It can be seen that despite being subject to a limit, the number of hackney carriages in Corby far exceeds that of any other sovereign authority area in the North Northamptonshire area.

4.23. By comparison Corby is the only area where Hackney Carriages outnumber private hire vehicles as shown below (as of 8 June 2023):

Wellingborough	- Number of Private Hire Vehicles = 185
Corby	- Number of Private Hire Vehicles = 99
East Northants	- Number of Private Hire Vehicles = 211
Kettering	- Number of Private Hire Vehicles = 97
	Total = 592

4.24. An assumption is that the current Corby Hackney Carriage trade is picking up a more significant proportion of the pre-booked journey market in Corby than is seen elsewhere.

4.25. Should the authority decide to remove the zones in North Northamptonshire then it will, by this action, also remove the limit on hackney carriages in the Corby area. It would therefore be advisable to consult on both the removal of zones and the impact on existing limits.

4.26. It would then be for the Authority to decide if any further consideration should be given to hackney carriage licence limits for the whole area, or if the hackney carriage (and private hire) trade should be determined by market forces.

4.27. To introduce any limits would require an unmet demand survey which would need to be repeated every three years and there would be a cost to this. The unmet demand survey for the Corby area is currently due and will be arranged if the decision is taken not to remove zones or that this matter requires further consideration, but now is not the correct time to consider this matter and consultation is deferred to a later date. The cost of this survey has historically been re-charged to the hackney carriage trade in Corby.

4.28. If all policy requirements relating to the hackney trade were aligned, a Hackney Carriage vehicle and/or driver could be plated or licensed to operate across multiple zones and this could be considered as an alternative to removing the zones. This would still require the licensing processes to be by zone. It would however allow the Corby Hackney carriage plate limit to continue in existence, thereby continuing to prevent opening up the market to

further hackney carriages within the Corby zone. Consideration would need to be given to this as an alternative to full de-zoning and proper reasoning for whichever course of action is chosen would be required.

- 4.29. If there is a decision to remove the zones and update the byelaws, the North Northamptonshire Council Hackney Carriage and Private Hire Licensing Policy will need to be updated accordingly. It is proposed that this updated policy would be taken to the Executive for approval with the report on de-zoning and the byelaws.

5. Issues and Choices

- 5.1. De-zoning would provide one licensing process for hackney carriage vehicles and drivers across North Northamptonshire. The potential advantages of removing the existing zones are as follows:
- Hackney carriages would be able to work ranks and ply for hire across the whole of North Northamptonshire, which would allow them to reduce their travelling costs should they so wish by operating in the town at the end of a journey rather than returning to base empty. This would allow them to be more competitive, efficient and environmentally sustainable due to the potential for fewer empty journeys.
 - The DfT recommends the abolition of zones for the benefit of the travelling public, since they tend to diminish supply, scope for customer choice and cause confusion and frustration for the public.
 - Moving to a single hackney zone, rather than four would enhance strategic decision making such as future provision of taxi ranks and policy requirements.
 - A single zone would allow the trade to respond flexibly to changes in demand across the whole Council area, which would improve service delivery to local residents and businesses,
 - A single zone only requires a single tariff of fares, simplifying the process for the trade and passengers, with efficiency savings for the council.
 - Allowing all NNC licensed Hackney Carriages to ply for hire in all areas, may also provide a wider distribution of wheelchair accessible vehicles, since these are not currently evenly spread across the whole of NNC, with more being currently licensed to work in the Corby and Kettering zones.
 - Removal of the quantity restriction in the Corby zone would remove the need for unmet demand surveys to be undertaken, which are complex and costly to implement. The DfT's view is that such quantity controls are generally anti-competitive and should be removed unless there is compelling reason based on the interests of the travelling public to maintain a limit.
- 5.2. The potential disadvantages of removing the existing zones are as follows

- The removal of the Corby limit may be seen as a disadvantage of dezoning to some of the trade in the Corby zone, however no other zone has such a limit since the other former authorities removed any limit after the DfT guidance was introduced.
 - There is a risk of clustering of hackney carriage vehicles around hotspot areas at peak times, reducing the supply in other areas. It is however expected that the market and demand for vehicles will dictate the flow of hackney carriages and existing licensed drivers may continue to primarily focus on their existing areas of work, with the advantage that they may also collect passengers from a wider area on their return journey.
 - There could be a loss of local knowledge amongst drivers, however the knowledge test would be reviewed to ensure that it is suitably designed for the new area (while not being overly complex given the increase in size of the single zone when compared to the current four zones)
 - The trade has been through a period of substantial change over the last 12 months following the alignment of hackney carriage tariffs and the introduction of the new policy and this represents further change and uncertainty for the trade.
 - Increased administrative burden on the teams in managing the consultation and implementation processes.
- 5.3. The introduction of the current DfT byelaws would be of benefit in ensuring that our hackney carriage trade is compliant with the most up to date requirements. Unlike other aspects of taxi and private hire licensing, hackney carriage licences cannot be conditioned and the byelaws provide the necessary controls.
- 5.4. If the decision is to remain with the current arrangements, then the only decision will be whether to adopt new Byelaws as provided by the DfT with or without proposals for additional byelaws from the Authority. If the decision is to move to new byelaws, then approval to carry out the Byelaws adoption process will be required.
- 5.5. In relation to the zones, the options available for Members to consider are;
- a. Retain the current four hackney carriage zones
 - b. Undertake consultation on removal of the current four hackney carriage zones and replacement with one North Northamptonshire Council (NNC) zone
 - c. Determine that this matter requires further consideration, but now is not the correct time to consider this matter and consultation is deferred to a later date.
- 5.6. In relation to the byelaws, the options available for Members to consider are;
- a. Retain the current Hackney Carriage Byelaws
 - b. Consult on a review of the Hackney Carriage Byelaws

- 5.7. The Licensing and Appeals Committee considered this matter on 03 July 2023 and resolved to recommend to the Executive:
- (i) that a consultation process be undertaken on the potential removal of the current four hackney carriage zones and replacement with one North Northamptonshire Council (NNC) zone;
 - (ii) that the current Hackney Carriage Byelaws be reviewed.
- 5.8. The reason for the recommendation was that following the alignment of the hackney carriage tariff of fares and implementation of one Hackney Carriage and Private Hire Policy covering the whole of NNC, it was felt that the retention of four separate zones for hackney carriage licencing needed further consideration. This review of the zones necessitates a review of the byelaws which govern hackney carriage licensing.

6. Next Steps

- 6.1. A report will be taken to the Executive requesting further consideration on whether a consultation process should be undertaken on this matter.
- 6.2. If the Executive determine that consultation should be undertaken, a 12 week consultation process will be commenced with the trade, partners and travelling public.
- 6.3. Once the consultation process has been completed, the responses will be referred back to Licensing and Appeals Committee to determine next steps, before final consideration by the Executive.
- 6.4. New byelaws cannot be pursued until it is confirmed whether the byelaws are for the former authority areas or North Northamptonshire Council.

7. Implications (including financial implications)

7.1. Resources and Financial

- 7.1.1. There are no identified resource or financial implications from dezoning. If introduced it would streamline the licensing process for the licensing of hackney carriages.

7.2. Legal and Governance

- 7.2.1. Should the Authority wish to remove hackney carriage zones from its area then there is a legal process to follow. This process is laid out in Schedule 14 to the Local Government Act 1972, Part II, para 25, detailed below.

25 (1) Subject to sub-paragraph (2) below, a local authority may after giving the requisite notice resolve that any of the enactments mentioned in

paragraph 24 above shall apply throughout their area or shall cease to apply throughout their area (whether or not, in either case, the enactment applies only to part of their area).

(2)A resolution under this paragraph disapplying—

(a)section 171(4) of the Public Health Act 1875;

(b).....

(c)section 82, 83 of the Public Health Acts Amendment Act 1907; or

(d)section 76 of the Public Health Act 1925;

must be passed before 1st April 1975, but any other resolution under this paragraph may be passed at any time.

(3)A resolution under this paragraph applying either of the following provisions, that is to say, section 21 of the said Act of 1907 or section 18 of the said Act of 1925, throughout an area shall have effect as a resolution disapplying the other provision throughout that area and a resolution under this paragraph applying either of the following provisions, that is to say, the original street-naming enactment or section 19 of the said Act of 1925, throughout an area shall have effect as a resolution disapplying the other provision throughout that area.

(4).....

(5)The notice which is requisite for a resolution given under sub-paragraph (1) above is a notice—

(a)given by the local authority in question of their intention to pass the resolution given by advertisement in two consecutive weeks in a local newspaper circulating in their area; and

(b)served, not later than the date on which the advertisement is first published, on the council of every parish or community whose area, or part of whose area, is affected by the resolution or, in the case of a parish so affected but not having a parish council (whether separate or common), on the chairman of the parish meeting.

(6)The date on which a resolution under this paragraph is to take effect shall—

(a) be a date specified therein, being not earlier than one month after the date of the resolution; .

(b)

(7)A copy of a resolution of a local authority under this paragraph, certified in writing to be a true copy by the proper officer of the authority, shall in all legal proceedings be received as evidence of the resolution having been passed by the authority.

- 7.2.2. Previously approval for a resolution under this Section required the approval of the Secretary of State but this was removed by a Legislative Reform Order and therefore, provided the above process is followed, the Authority can remove its Hackney Carriage zones.
- 7.2.3. Should the Authority wish to introduce a byelaw or byelaws which deviate from the model ones, the DfT expects the Authority to take a rigorous approach in drafting to ensure that the tests of legal validity are met. These are set out in *Kruse v Johnson* [1898 2 QB 91] as comprising four elements essential to validity:

- byelaws must be within the powers of the local authority which makes them;
- byelaws must not be repugnant to the general law;
- byelaws must be certain and positive in their terms; and
- byelaws must be reasonable.

7.2.4. If a local authority identifies a policy objective which it wishes to reflect in byelaws, the onus will be on the local authority to draft a suitable byelaw to put to the Department for provisional approval. The onus will also be on the local authority to satisfy itself as to the validity of any proposed byelaw which it submits to the Department for approval. It is expected that the Authority will have sought their own legal advice and to provide an explanation as to why they consider that any proposed byelaw is valid.

7.2.5. Confirmation by the Secretary of State does not endow the byelaws with legal validity - only the courts can determine whether a byelaw is valid. To this extent, it is crucial that any draft byelaws are seen and approved by the Council's legal advisers. Any request for provisional approval of byelaws which deviate from the model should be accompanied by an explanation of the policy objective, a justification of their validity and confirmation that the byelaws have been approved by legal advisers.

7.2.6. Should the Authority decide to implement new byelaws, there is a need to follow the process laid down in Section 236 of the Local Government Act 1972 for the adoption of byelaws:

(1) Subject to subsection (2) below, the following provisions of this section shall apply to byelaws to be made by a local authority in England under this Act and to byelaws made by a local authority in England, the Greater London Authority, Transport for London, an Integrated Transport Authority for an integrated transport area in England or a combined authority under any other enactment and conferring on the authority a power to make byelaws and for which specific provision is not otherwise made.

(2) This section shall not apply to
(a) byelaws of a class prescribed by regulations under section 236A, or
(b) byelaws made by the Civil Aviation Authority under section 29 of the Civil Aviation Act 1982.

(3) Subject to subsection (3A) below, the byelaws shall be made under the common seal of the authority, or, in the case of byelaws made by a parish council not having a seal, under the hands and seals of two members of the council, and shall not have effect until they are confirmed by the confirming authority.

(3A) Byelaws made by the Greater London Authority shall be made under the hand of the Mayor and shall not have effect until they are confirmed by the confirming authority.

(4) At least one month before application for confirmation of the byelaws is made, notice of the intention to apply for confirmation shall be given in one or more local newspapers circulating in the area to which the byelaws are to apply.

(5) For at least one month before application for confirmation is made, a copy of the byelaws shall be deposited at the offices of the authority by whom the byelaws are made, and shall at all reasonable hours be open to public inspection without payment.

(6) The authority by whom the byelaws are made shall, on application, furnish to any person a copy of the byelaws, or of any part thereof, on payment of such sum, not exceeding 10p for every hundred words contained in the copy, as the authority may determine.

(7) The confirming authority may confirm, or refuse to confirm, any byelaw submitted under this section for confirmation, and may fix the date on which the byelaw is to come into operation and if no date is so fixed the byelaw shall come into operation at the expiration of one month from the date of its confirmation.

(8) A copy of the byelaws, when confirmed, shall be printed and deposited at the offices of the authority by whom the byelaws are made, and shall at all reasonable hours be open to public inspection without payment, and a copy thereof shall, on application, be furnished to any person on payment of such sum, not exceeding 20p for every copy, as the authority may determine.

(9) The proper officer of a district council shall send a copy of every byelaw made by the council, and confirmed, to the proper officer of the council, whether separate or common, of every parish to which they apply or, in the case of a parish not having a council, to the chairman of the parish meeting, and the proper officer of the parish council or chairman of the parish meeting, as the case may be, shall cause a copy to be deposited with the public documents of the parish. A copy so deposited shall at all reasonable hours be open to public inspection without payment.

(10) The proper officer of a county council shall send a copy of every byelaw made by the council, and confirmed, to the council of every district in the county, and the proper officer of the council of a district shall send a copy of every byelaw made by the council, and confirmed, to the council of the county.

In this section the expression "the confirming authority" means the authority or person, if any, specified in the enactment (including any enactment in this Act) under which the byelaws are made, or in any enactment incorporated therein or applied thereby, as the authority or person by whom the byelaws are to be confirmed, or if no authority or person is so specified means the Secretary of State.

7.3. Relevant Policies and Plans

7.3.1 Review of the licensing provisions for the hackney carriage trade and ensuring that they remain relevant, up to date, promote efficiency and environmental sustainability while meeting the needs of the community, will assist the council in meeting stated commitments within the Corporate Plan.

Relevant sections of the Corporate Plan include:

- Creating safe and thriving places by ‘enabling people to travel across North Northamptonshire and beyond’
- Maintaining a green, sustainable environment by ‘demonstrating clear leadership on tackling environmental sustainability’
- Providing modern public services by ‘providing good quality and efficient services valued by our customers’

7.4. Risk

7.4.1. There are no significant risks arising from the proposed recommendations in this report.

7.5. Consultation

7.5.1. A consultation process is proposed if the dezoning / delimiting options are to be taken forward. It is recommended that this should be for 12 weeks but the authority can reduce that period if it considers it appropriate to do so.

7.5.2. To make sure there is a corporate awareness and to enable an organisational overview of our activities, the Consultation and Engagement team would be party to the work. Consultation will be with the taxi and private hire trade, the general public and, through the generality of the consultation process via the website as well as directed mailings, any other person with an interest in this subject.

7.6. Equality Implications

7.6.1 An Equality Screening Assessment has been completed and this has not identified any equality implications of removing the zones.

7.7. Climate Impact

7.7.1. It is anticipated that if the decision is to remove the zones, then once implemented it should result in a reduction in miles travelled by hackney carriages, as they have the opportunity to ply for hire across the area. This means that a vehicle currently licensed for the Corby zone who drops off a passenger in Kettering, rather than driving back to Corby empty, could then work in Kettering. This will have a positive impact upon air quality and climate control.

7.8. Community Impact

7.8.1. The new policy adopted from 1 April 2023 requires that all hackney carriages will, within five years, be wheelchair accessible. Dezoning allows this fleet of vehicles to be more readily available across the taxi ranks of North Northamptonshire.

7.9. **Crime and Disorder Impact**

7.9.1. There are no implications for Crime and Disorder from this report.

8. Background Papers

8.1 Department for Transport - Taxi and Private Hire Vehicle Licensing: Best Practice Guidance March 2010

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf