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**North
Northamptonshire
Council**

Meeting: Licensing and Appeals Committee
Date: Monday, 3rd July 2023
Time: 7.00 pm
Venue: Council Chamber, The Cube, George Street, Corby, Northants.
NN17 1QG

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To:


Members of the Licensing and Appeals Committee

Councillors Jonathan Ekins (Chair), Jennie Bone (Vice-Chair), John Currall, Clive Hallam, Chris Smith-Haynes, Malcom Waters, Dorothy Maxwell, Anup Pandey, Geoff Shacklock, Lee Wilkes, Ross Armour, Lyn Buckingham and Keli Watts

Substitutes:

Councillors Cedwien Brown, Elliott Prentice, Ian Jelley, Scott Brown, Lora Lawman, John-Paul Carr, Kirk Harrison, Michael Tye, Malcom Ward, Joseph Smyth, John McGhee, Peter McEwan and David Sims

Agenda			
Item	Subject	Presenting Officer	Page No
01	Apologies for non-attendance		
02	Members' Declarations of Interests		
03	Minutes of the meeting held of the Licensing and Appeals Committee held on 11 th October 2022		5 - 10
Items for discussion			
04	Hackney Carriage De-zoning, Hackney Carriage Byelaws and Hackney Carriage Number Limits	Iain Smith, Assistant Director Regulatory Services	11- 24

Urgent Items			
	To consider any items of business for which notice has been given to the Proper Officer prior to the meeting and the Chairman considers to be urgent pursuant to the Local Government Act 1972.		
Exempt Items			
10	None Notified		
11	Close of Meeting		
<p>Adele Wylie, Monitoring Officer North Northamptonshire Council</p>  <p>Proper Officer 23rd June 2023</p>			

This agenda has been published by Democratic Services
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The minutes of the Licensing and Appeals Committee held at 7.00 pm on Tuesday 11th October, 2022 in the Council Chamber, Swanspool House, Wellingborough, Northants, NN8 1BP

Present:-

Members:

Councillor Jonathan Ekins (Chair)

Councillor John Currall

Councillor Clive Hallam

Councillor Barbara Jenney

Councillor Lora Lawman

Councillor Jim Hakewill as substitute for
Councillor Sarah Tubbs.

Councillor Jennie Bone

Councillor Anne Lee

Councillor Dorothy Maxwell

Councillor Dr Anup Pandey

Councillor Geoff Shacklock

Officers:

Iain Smith, Assistant Director Regulatory
Services,

Amanda Wilcox, Interim Environmental
Health Lead,

Samantha Edmunds, Health Protection
Manager,

Carol Mundy, Senior Democratic
Services Officer (Committees/Members)

1 Apologies for absence

Resolved to note that apologies were received from Councillors McEwan, Tubbs and Wilkes.

2 Members' Declarations of Interest

The Chair invited those present to make a declaration if they wished to do so.

Resolved to note that no declarations were made.

3 Minutes of the Licensing and Appeals Committee 9 August 2022 (Special)

Resolved to note that the minutes of the Licensing and Appeals Committee (Special) held on 16 August 2022 were approved as a true record and signed by the chair.

4 House to House and Street Collections Policy

The chair agreed to re-order the agenda and the following item was presented for discussion.

The annexed circulated report of the Assistant Director, Regulatory Services, was received to seek approval of the House to House and Street Collections Policy.

The policy was appended to the report, along with an Equalities Impact Assessment, and amalgamated the previous policies of East Northamptonshire and Corby Councils,

neither Kettering or Wellingborough had previously had policies. The approval of such policy will provide clear guidance to both officers and the public around charitable collections.

In determining the House to House policy, consideration was given to specifying a percentage split for the donation to charity and remuneration. Information from the Institute of Fundraising indicated that mechanisms were already in place to ensure this happened with trustees having a legal duty to ensure they act in the best interest of the charity, with the amounts going to charity being shown on collection materials.

An applicant would be required to sign a declaration stating that the collector is compliant with the regulations to show that persons authorised as collectors are fit and proper persons.

Members discussed the policy and shared their concerns about the small donation percentage from items collected that went to the actual charity. In some bases this was as little as 4%. Most of the public considered they were supporting the charities and would expect a considerably larger percentage donation to be given. Members asked if future checks could be made that adequate donations were given to charities and whether the council could set a higher percentage levy.

Health Protection Manager, Samantha Edmunds informed the committee that it would not be possible for financial information relating to the percentage of donations to be checked. This would be resource intensive and as already referenced in the report the Institute of Fundraising had already stated that there were mechanisms in place to ensure adequate amounts benefited the charities. The aim of the policy was to safeguard the interests of donors and beneficiaries, whilst raising funds for local and national charitable purposes.

Councillor L Lawman proposed that there be a minimum of 20% donation to charity. This was seconded by Councillor Maxwell.

The Assistant Director, Iain Smith, informed members that this would be very difficult to enforce. There would be a reliance on declarations and would be extremely resource intensive and costs would not be recoverable.

Councillors Lawman and Maxwell withdrew their proposal.

Councillor Hakewill proposed the motion within the report, which was seconded by Councillor Lee. On being put to the vote the motion was declared carried.

Resolved that the House to House and Street Collections Policy be approved.

5 North Northamptonshire Council - Taxi and Private Hire Policy

The annexed circulated report of the Assistant Director, Regulatory Services was received to seek approval to the North Northamptonshire Taxi and Private Hire Policy to be formally adopted by North Northamptonshire Council.

Appended to the report were the following:

- Appendix 1 Draft North Northamptonshire Taxi and Private Hire Policy
- Appendix 2 Consultation responses

Appendix 3 Officer comments on consultation responses

The Interim Environmental Health Lead, Amanda Wilcox, presented the report to committee. She explained that there had previously been four separate policies for each of the sovereign authorities which needed to be harmonised into one policy for North Northamptonshire.

The new policy would reflect current legislation and guidance and takes into consideration the future and climate change and emission control requirements.

The Policy would enable a consistent approach to all decision making for the Licensing and Appeals Committee and would be the subject of a review two years after it take effect, though it could be reviewed during that period if required.

The policy considered the best practices in each sovereign area to ensure that standards were high, and the safety of the public was paramount. The needs of the licensed trade had also been considered.

The draft policy had been the subject of a consultation for a period of eight weeks and fourteen responses had been received and fully considered. Where deemed to be possible, without compromising public safety or standards, the consultation responses had resulted in changes to the policy.

The main areas of concern were as follows:

- Age limits on licensed vehicles;
- Testing regime for drivers;
- Fold down seats in vehicles;
- Emission Standards

The report further detailed the responses from officers to these concerns.

Mrs Wilcox referred to the concern about the cost of moving to zero emission vehicles, which was referenced within the policy as a two-stage process to help meet the authority's climate change target.

In view of the feedback and concern received it is recommended that the first stage be removed from the policy. This is detailed below:

"From 2025 no new application would be accepted for vehicles fuelled only by diesel or petrol and all new vehicle licence applications were required to be zero emission vehicles".

This would mean that the authority would require zero emission vehicles from 1 January 2031, with all licences for non-zero emission vehicles expiring on 31 December 2030.

The chair thanked Mrs Wilcox for her report and opened it up for debate.

One area of concern raised by members related to the number of drivers who did not speak English well and could not read English and asked whether the policy insisted that they should be competent.

Mrs Wilcox clarified that Part 1 of the policy made reference under Drivers Training to drivers being proficient in the English Language both oral and written.

It was considered that the cost of hybrid or electric vehicles would be considerable and that it would be wise to remove Phase 1 from the policy as this would give drivers time to change and programme in the cost of replacement vehicles by 2031.

A question relating to the cost of the training was raised with a suggestion that this be programmed to enable the maximum number to attend at a reduced cost.

The officer clarified that the training would need to self-funded and the cost covered by the applicant. The council would, however, do what it could to support applicants to keep the costs down whilst maintaining the highest standards.

The committee commented on the need for enough charging points to be in place for those running electric vehicles. It was considered that all new homes should automatically have charging points installed to encourage the purchase of electric vehicles. It was also noted that a long journey would result in the vehicle having to be charged and then being out of action during that period.

Officers clarified that more infrastructure was being put in place and a programme to install more electric vehicle charging points (EVCP) across North Northamptonshire was being carried out independently. It was also noted that charging times varied considerably depending on output and that a variety of charging points would be installed.

Reference was made to vehicles with fold up seats with many commenting that they had owned vehicles with this provision themselves. Officers were asked of the number of vehicles that would be affected. Officer's did not have the information to hand but commented that the vehicles would still be able to be used, but with limited capacity and not for the additional passengers. The reason for this was to ensure that someone could safely access the seat and could also exit the vehicle safely regardless of any disability.

A question was raised over how the council would know which drivers hadn't had a DBS check and therefore who were a fit and proper person. Mrs Wilcox clarified that all drivers would be required to undertake an enhanced disclosure through the Disclosure and Barring Service, along with the Adult and Child Barred lists.

Confirmation was sought on whether all drivers needed a 'knowledge test' for each of the areas in North Northamptonshire. It was clarified that this would not be necessary as long as they knew the main trunk roads and had a general awareness of the area, although knowledge tests for the relevant zone would still be required for new Hackney Carriage driver applicants.

Officers confirmed that new guidance packs would be issued to all drivers to assist them with understanding the new policy application requirements.

Councillor L Lawman proposed the recommendation within the report, and this was seconded by Councillor Hallam. On being put to the vote the motion was declared carried.

Resolved that:

- (i) the consultation responses and officers comments thereon be noted;
- (ii) It be recommended to the Executive that the Policy and Appendices thereto be adopted by North Northamptonshire Council with the recommended review period of two years;
- (iii) It be recommended to the Executive that the Policy take effect from 1 April 2023.

6 Close of business

There being no further business the chair closed the meeting at 8.40pm.

Chair

Date.....

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Licensing and Appeals Committee 3rd July 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

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. The Committee is recommended:
 - a. to consider the report;
 - b. to make a proposal to the Executive on whether a consultation process should be undertaken on the potential removal of the current four hackney carriage zones and replacement with one North Northamptonshire Council (NNC) zone;
 - c. to make a proposal to the Executive on whether the current Hackney Carriage Byelaws should be reviewed
- 3.2. Reason for Recommendations – 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, the retention of four separate zones for hackney carriage licencing needs further consideration. The report sets out the options available in relation to hackney carriage zones and a decision is required whether the zones should be reviewed.
- 3.3. If the zones are reviewed, the byelaws which govern hackney carriage licensing will also require review.
- 3.4. Alternative Options Considered – Members could decide to retain the current four zones, or can decide that now is not the correct time to consider this matter and could defer the decision to a later date.

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 i.e. one for each area. 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 hackney carriage zones or abolish them. 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 sovereign 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 sovereign 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.
- 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 sovereign authorities, 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 at 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 at 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 private hire 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 consider the matter at this time.

- 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. Dezoning 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 a 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 sovereign authorities removed any limit after the DfT guidance was introduced. The level of hackney carriages compared to private hire vehicles in the Corby area, suggests that the current limit is meeting private hire as well as hackney carriage trade demand.
- 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 have 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. If the decision is to dezone, then a consultation process will need to be implemented. It is recommended that this covers both the de zoning and Corby hackney carriage limit.

6. Next Steps

- 6.1. If the decision is to progress consideration of the removal of the zones at this time, a report will be taken to the appropriate Executive Advisory Panel for their consideration, prior to taking a report to the Executive requesting permission to go out to consultation.
- 6.2. A 12 week consultation process will be undertaken 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 sovereign authority areas or North Northamptonshire Council.

7. Implications (including financial implications)

7.1. Resources and Financial

- 7.1.1. There are no significant resource or financial implications from de zoning. If introduced it would streamline the licensing process for the licensing of hackney carriages. The costs of issuing new plates, licences and badges can be met within existing budgets and it would be proposed to reduce these costs by issuing these when renewals were due or on new application rather than en masse at the time a decision to dezone was taken.

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