

Licensing and Appeals Committee 21st March 2024

Report Title	Hackney Carriage De-zoning
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List of Appendices

Appendix A – Consultation Responses (Website)

Appendix B – Consultation Responses (Email)

1. Purpose of Report

1.1 To seek a recommendation to the Executive in respect of potentially removing the hackney carriage zones in North Northamptonshire following a consultation process.

2. Executive Summary

2.1 Following vesting day on 1st April 2021, while private hire vehicle licensing reflected the new unitary arrangements, historical legislation meant that hackney carriage licensing continued to operate in line with the pre-unitary authority areas.

2.2 A report was put before the Executive on 14th September 2023 recommending that a consultation be carried out on removing the hackney carriage zones in North Northamptonshire.

2.3 A consultation process was undertaken between 30th October 2023 and 21st January 2024.

2.4 The purpose of this report is to present the consultation findings and seek recommendations to the Executive as to the next course of action.

3. Recommendations

3.1 The committee is recommended:

- a. to consider the report and consultation responses;
- b. to make a proposal to the Executive on whether the current four hackney carriage zones should be replaced 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 in relation to the zones - 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's area, the retention of four separate zones for hackney carriage licencing needs further consideration. The report sets out the responses received to the recent consultation and requests a decision on whether the Executive should be recommended to review the zones.
- 3.3 Reason for Recommendations in relation to the byelaws - the review of the zones necessitates a review of the byelaws which govern hackney carriage licencing.
- 3.4 Alternative Options Considered in relation to the zones - the committee could recommend that the Executive;
 - i) Takes no action and retains the current four hackney carriage zones.
 - ii) Determines that the zones should be removed and the process required to implement this decision immediately begins
 - iii) Determines that the zones should be removed, but that there should be a delayed implementation date.
- 3.5 Alternative Option Considered in relation to the byelaws - the committee could recommend that the Executive;
 - i) Takes no action and retains the current Hackney Carriage Byelaws.

4. Report Background

- 4.1 Following vesting day on 1st April 2021, while private hire vehicle licensing reflected the new unitary arrangements, historical legislation meant that hackney carriage licensing continued to operate in line with the pre-unitary authority areas.
- 4.2 On 3rd July 2023 a report was put before the Licensing and Appeals Committee to consider whether there was a desire to review the existing zone arrangements, alongside a proposal to review the hackney carriage byelaws.
- 4.3 The committee 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.
- 4.4 The matter was considered by the Sustainable and Prosperous Executive Advisory Panels jointly on 9th August 2023 prior to the Executive meeting. It was resolved that the proposal to undertake a consultation process on the potential

removal of the Hackney Carriage Zones and Hackney Carriage Byelaws, be recommended to the Executive for a decision.

4.5 At its meeting on 14th September 2023 the Executive :

- i) Approved commencement of a consultation process on the potential removal of the current four hackney carriage zones and replacement with one NNC zone;
- ii) Approved that the current Hackney Carriage Byelaws are reviewed.

4.6 Between 30th October 2023 and 21st January 2024 a consultation on the proposal to remove the hackney carriage zones in North Northamptonshire was carried out. The consultation was on the North Northamptonshire Council Website during this period and media releases were sent out. All hackney carriage proprietors and driver licence holders were directly emailed at the commencement of the consultation and prior to the closure of the consultation.

5. Issues and Choices

5.1 Senior officers from Regulatory Services met with trade representatives at meetings in Corby and Wellingborough. During the meeting with representatives from the Corby trade on 2nd January 2024, the following key points were raised by the trade;

- It was stated that the current policy requirement that vehicles must be no older than four years from the first day of registration on initial application to the council, is resulting in significant financial challenges which are making the trade un-viable. Although this comment relates to the policy, rather than the decision over whether zones should be removed, it was considered that the two issues are related.
- The removal of zones would mean that saloon hackney carriage vehicles licensed by the council (due to them holding grandfather rights under the policy) would be permitted to use the ranks in Corby. Since there are no licensed saloon hackney carriage vehicles within the Corby zone, it was considered that this would reduce the standard of service within the Corby zone and increase the number of non-accessible vehicles plying for hire within Corby.
- Increasing the geographical size of the zone by forming one new North Northamptonshire zone, would result in licensed drivers using the ranks who lack geographical knowledge of the area. This would reduce service provision for customers who may not be transported via the shortest route available. It was claimed that this also creates a safety issue, since vulnerable passengers are reliant upon the driver knowing the area. It was claimed that this could result in chaos and confusion.
- It is believed that removing the zones would increase the number of licensed hackney carriage vehicles in Corby town centre, resulting in congestion on George Street.
- It was stated that Corby has more cabs per capita than any other town within North Northants and there is no significant unmet demand. It was stated that other areas do not have the same number of taxi's available and they have an unmet demand. It was acknowledged that there has been no unmet demand survey in the other towns.

5.2 During the meeting with representatives from the East and Wellingborough trade on 3rd January 2024, the following key points were raised by the trade;

- Concerns were raised in relation to policy requirements for hackney carriage vehicles to be wheelchair accessible and for vehicles to be no older than four years from the first day of registration on initial application. It was claimed that this is adversely impacting the trade. This comment relates to policy requirement concerns rather than the decision over whether zones should be removed, however given the impact upon the trade it was considered that the issue was still relevant.
- It was stated that by de-zoning the council would be 'moving the goalposts', since the policy provided 5year grandfather rights for existing licensed vehicles to continue to be used. It was therefore felt that no further significant change should be made which may further impact the trade within this time period.
- Representatives felt that drivers would move to where the work is, so there will be a shortage of vehicles available for hire in certain areas, impacting customers within those towns.
- It was stated that drivers are using different fares across the four zones and allowing drivers to ply for hire across the whole North Northamptonshire area would create variations in the fare charged, resulting in conflict for drivers.
- There was a concern that the knowledge test may be too difficult, due to the need for it to cover the whole of the North Northamptonshire area. This may result in a number of drivers being unable to pass the test, which would reduce the number of hackney carriage vehicles available for hire, which would be detrimental to the public.
- There was a feeling that the trade wanted to continue to serve the same community they have always served and de-zoning would reduce the number of vehicles available for them to service their existing customer base, meaning a reduced service.
- Creating one new North Northamptonshire zone would result in drivers not having a good knowledge of the area, which would mean that they could inadvertently fall foul of legislation by not using the quickest route, which could result in enforcement action being taken against them.

5.3 There was no request for a meeting from hackney carriage proprietors or drivers currently working in the Kettering zone.

5.4 The responses received during the consultation period are included at Appendix A and B. In total there were 256 responses received, of which 221 were received through the councils website and 35 were received via email.

5.5 Appendix A lists the consultation responses received through the councils website during the consultation period. There were 221 responses, of which 153 have completed the consultation questionnaire in full and 68 have partially completed the questionnaire. The responses can be summarised as:

- 34 strongly agree
- 18 agree
- 8 disagree
- 102 strongly disagree
- 6 neither agree nor disagree

- 53 didn't answer.

- 5.6 Appendix B contains 35 responses, all received directly to the Licensing team from the trade and the inclusions are direct copies of the email representations received. 33 of the responses were against the potential removal of the zones and 2 were in favour.
- 5.7 If the decision is taken to introduce one hackney carriage zone for North Northamptonshire, then the Authority has already identified that a new set of byelaws will be required for the area and it will be necessary to complete both central and local government processes to achieve this. This will need to be aligned with the introduction of the new zone.
- 5.8 If the decision is taken to continue with the existing zones then it will still be necessary to introduce new byelaws for the 4 zones as the current sets are old and outdated. The department for Transport issued a new set of model byelaws for local authorities to adopt in November 2023. The model byelaws could be introduced separately in each of the four zones to ensure commonality of approach.
- 5.9 Research was undertaken into what decision other unitary authorities have taken on de-zoning. Of the 16 councils identified that gained unitary status or became a single district level council (in the case of West Suffolk), 9 have retained their taxi zones and 7 have de-zoned.
- a. Of the 9 councils that have retained their zones:
 - i. 2 were newly created in 2023 and it's unclear what their plans are in this respect;-
 - ii. 2 will revisit the issue in the next few years;-
 - iii. 1 intends to de-zone but due to resources has not yet done so;- and
 - iv. there is no further information available online regarding the remaining 4.
 - b. Of the 7 councils which have de-zoned (in part at Dorset), the decision to merge has broadly been taken for economic reasons since harmonising arrangements is seen as more cost effective for councils and for accessibility reasons such as to improve the availability of licensed vehicles generally and also specifically to spread the coverage of wheelchair accessible vehicles across the area.

6. Next Steps

- 6.1 Once the committee has considered the matter and made its recommendation, it is planned to take a report to the Place and Economy Environment Scrutiny committee on 30th April 2024.
- 6.2 A report is to be taken to the Executive for approval on 6th June 2024. If the Executive determine that the zones should be removed, officers will formulate an implementation plan to ensure that the required processes are in place before implementation.

- 6.3 The decision will determine if 4 new sets of model byelaws are required or one for the whole of North Northamptonshire. Beyond this point the process will be the same. The proposed byelaws will need to be agreed. A new set of model byelaws were introduced by DfT in November 2023 which may be adopted as the new byelaws.
- 6.4 Once the draft new byelaws are agreed they will need to be approved by the Secretary of State for Transport and a date of introduction agreed. The new model byelaws contain a revocation byelaw to deal with existing bye laws.

7. Implications (including financial implications)

7.1 Resources, Financial and Transformation

- 7.1.1 The removal of the four local zones will remove the requirements for unmet demand surveys for hackney carriages in the Corby area, removing the need to pass the costs onto the trade. This will also remove the number of hackney carriage vehicle licence currently identified as being the number sufficient to meet demand.
- 7.1.2 There is concern that if the zones are removed this will leave some of the smaller towns with a reduced number of Hackney Carriage vehicles available for hire, due to the drivers moving to the towns where there is more work. This would have a negative impact upon service provision in these areas. The extent to which the trade will change the way that they operate and how long it would take for the market to even out is unknown.
- 7.1.3 It is anticipated that over time the existing taxi trade and new businesses entering the market will develop to meet the opportunities that a decision to remove zones might offer. With one licence being required for a driver and for a vehicle to operate across North Northamptonshire rather than the current four, one for each zone the option for area wide operations is available. As a result it will be necessary to review current taxi rank availability both in terms of locations and capacity to ensure that customer service requirements continue to be met.
- 7.1.4 New application processes will need to be developed to meet the requirements of the new area including a new “knowledge test” to reflect the modern demands on taxi drivers in North Northamptonshire.

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

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

7.5 Consultation

7.5.1 For a 12 week period between 30th October 2023 and 21st January 2024, a consultation on the proposal to remove the hackney carriage zones in North Northamptonshire was carried out.

7.5.2 The consultation was on the North Northamptonshire Council Website during this period and a news release was sent out.

7.5.3 All hackney carriage proprietors and driver licence holders were directly emailed at the commencement of the consultation and prior to the closure of the consultation.

7.5.4 Licence holders were also offered the opportunity to meet with officers. Senior officers from Regulatory Services met with trade representatives at meetings in Corby and Wellingborough.

7.6 Consideration by Executive Advisory Panel

7.6.1 The matter was considered by the Sustainable and Prosperous Executive Advisory Panels jointly on 9 August 2023.

7.6.2 The panel considered the report before them and made the following points:

- Members considered there would need to be extensive consultation and that there would be some controversy. A request was also made for consultation with formal groups such as the Hackney Carriage Association in each zone if they existed. There was some concern that pressure would be put on drivers to learn 'the knowledge' for the whole area, rather than the current zones, which was onerous, and a suggestion was made that drivers could opt out of wanting to trade throughout the area. Officers clarified that there would be direct engagement with the trade, but it was noted that there weren't associations in each zone.
- Regarding the knowledge test, it would not be possible for a driver to choose not to go to an area. If they were plying for hire on a rank any passenger could request to be taken anywhere and the driver should be able to do so. Whilst there would not be an expectation for a driver to know every area in detail. It was also commented that most would have the ability to use Satnav Route planners to find the quickest and cheapest route.
- It was resolved that the proposal to undertake a consultation process on the potential removal of the Hackney Carriage Zones and Hackney Carriage Byelaws, be recommended to the Executive for a decision.

7.7 Consideration by Scrutiny

7.7.1 This report has not yet been considered by the Scrutiny Committee, but it is planned to take a report to the Place and Economy Environment Scrutiny committee on 30th April 2024.

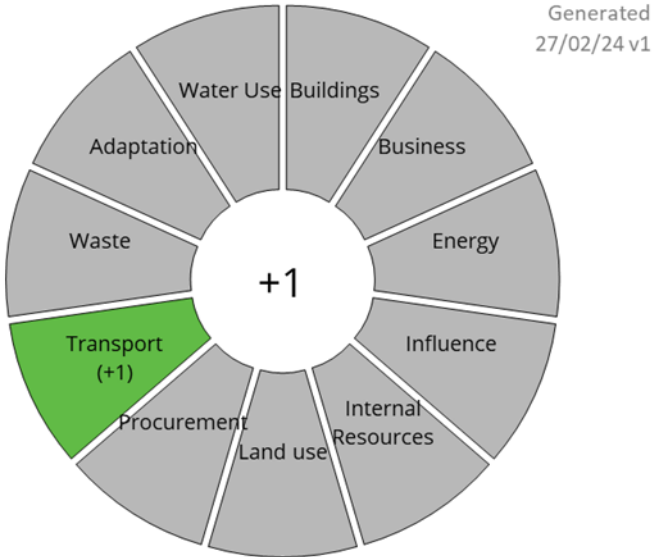
7.8 Equality Implications

7.8.1 An equalities impact assessment has been carried out in relation to this proposal.

7.9 Climate Impact

7.9.1 The North Northamptonshire Council Hackney Carriage and Private Hire Vehicle Policy will continue to drive standards in the licensed vehicle trade to manage climate impact from this sector. Implementation of emission standards on hackney carriages should see diminished impact from this sector even if a decision is taken to remove zones and potentially increase miles travelled.

7.9.2 This proposal removes the restrictions on hackney carriages plying for hire and working on taxi ranks in the 4 old local authority areas . It would allow a North Northamptonshire Council licensed hackney carriage to ply for hire and wait at ranks anywhere within the authorities area. Linked to the Authority's hackney carriage and private hire vehicle policy which requires wheelchair accessible hackney carriages and a move towards low/zero emission vehicles in the coming years, this should offer an improved and greener public transport service. The assumption is that this particular decision will have no impact on climate change.



North Northamptonshire Council has committed to being a carbon neutral organisation by 2030, 5 yrs & 10 mos away.