

BABERGH DISTRICT COUNCIL

FROM: HEAD OF NATURAL AND BUILT ENVIRONMENT

REPORT NUMBER H39

TO: LICENSING AND APPEALS COMMITTEE

DATE OF MEETING: 5 June 2008

TOWN POLICE CLAUSES ACT 1847 AND LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
HACKNEY CARRIAGE QUANTITY CONTROLS AND HACKNEY CARRIAGE ZONING

1. PURPOSE OF REPORT:

- 1.1 This report advises on the current situation regarding hackney carriage licensing, and seeks Committee approval to progress policy on hackney carriage quantity controls and zoning in the Babergh District.
- 1.2 Specifically this report outlines a proposed work plan and timeframe for progressing these matters (attached as Appendix 1) and seeks Committee approval to re-consult the public, trade and identified stakeholders on the relevant issues. The last formal consultation was in 2005 and a further short consultation is considered necessary.

2. RECOMMENDATIONS:

- 2.1 That the Head of Natural and Built Environment be authorised to immediately commence a review of hackney carriage de-restriction, zoning and related matters and in pursuance of such review to undertake a further period of consultation with the public, hackney carriage and private hire trade, and other identified stakeholders.

The Committee is able to resolve this matter.

3. FINANCIAL IMPLICATIONS:

- 3.1 Specifically arising from this report, there will be costs involved with the consultation process in terms of officer time and public advertising. There is budgetary provision for a public notice.
- 3.2 In terms of this policy review generally, maintaining the status quo would require the Council to fund an independent consultant's survey on existing demand and any unmet demand for hackney carriage services every three years, at an estimated cost of between £12k and £15k per occasion, and publicising the findings would incur additional expenditure. Removal of quantity controls would avoid this requirement and a survey is not required to remove controls altogether (but would be required if only a limited further number of plates are to be released).

- 3.3 Making a case to the Secretary of State to amalgamate hackney carriage zones, in the absence of the much delayed Regulatory Reform Order (RRO) on zoning removal, is anticipated to take at least 5-6 months to conclude at an estimated cost to the Council in time and resource of around £5k. This would be a one-off task, again involving a consultation process, and in the duration of such an application it is possible the RRO could finally go through. It is sensible that the consultation referred to in the recommendation of this report should also include canvassing opinion on zone removal as this could then form part of any future submission to the Secretary of State, without having to consult again on that matter in isolation and at further expense.
- 3.4 The Council may also be legally challenged if it is unable to demonstrate 'no unmet demand' for hackney carriage services. This would have a cost implication to the Council in terms of legal costs.

4. RISK MANAGEMENT:

Risk Description	Likelihood	Seriousness or Impact	Mitigation Measures
(i) Lack of hackney carriage availability can have negative impacts on the consumer.	Significant	Critical	Review of licensing procedures, policy and strategies, against all available legislation, regulations, guidelines and best practice.
(ii) Unmitigated removal of restriction policy could have negative impacts on traffic congestion, the environment and those employed in taxi/PHV trade.			
(iii) Maintaining the status quo will incur considerable costs to the Council in surveys and possible legal challenge			

5. KEY INFORMATION:

- 5.1 The Committee has previously reviewed matters relating to hackney carriage zoning and hackney carriage quantity controls (Report F97 in October 2006 following D152 in October 2004) and resolved to await passage of the Regulatory Reform Order (RRO) on zoning before making any further decision on these matters. Members may find it helpful to review the content of these reports for a more in depth assessment of the issues involved. The most recent communications from the Department for Transport indicate that the RRO is still some way off due to complications within one or more of the Government departments. Accordingly officers are of the view that the risks of further delay are significant and the policy review should now progress as quickly as possible without reliance on the RRO.

- 5.2 St Edmundsbury Borough Council has been in the same situation as Babergh (with three zones and quantity control) and has very recently lifted its restriction policy - but has retained zoning in the hope the Regulatory Reform Order will at some point be passed. However, due to the infrastructure of Babergh's town centres and prior consultation feedback received it is officers view that retention of zoning in the Babergh District may see significant negative impacts for the Sudbury zone and little improvement for the consumer outside of the Sudbury zone should quantity controls be lifted. Babergh's officers have liaised closely with colleagues from St Edmundsbury and are exploring possibilities of submitting a simultaneous case on zone removal to the Secretary of State in the belief that this may carry more weight and increase the likelihood of an approval. Joint-working on submissions may also reduce the time and resource impact on the Licensing team.
- 5.3 Other associated considerations involved with this review, including the possible provision of further hackney carriage stands, are referred to in previous reports and may require further consideration by the Committee in due course. A suggested outline work plan and timetable for progressing elements of the review is attached as Appendix 1.
- 5.4 From April 2008, licensing matters were brought within the scope of the Regulators' Compliance Code to which Babergh must have regard. The deregulatory principles of this proposed review are both in accordance with the requirements of the Code and the declared objectives of the Better Regulation Executive.

6. APPENDICES:

- (a) Appendix 1 - Hackney Carriage policy progression work plan and suggested timetable

7. BACKGROUND PAPERS REFERRED TO:

- Report F97 (October 2006) and Report D152 (October 2004)

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**HACKNEY CARRIAGE QUANTITY DE-LIMITATION AND ZONING REVIEW
WORK PLAN AND (POSSIBLE) TARGET DATES**

ACTION:	DETAIL:	TARGET DATE:
Committee (L&A)	Report seeking approval to re-consult. Summary work plan and timeframe.	5 th June 2008
Consultation	5 week consultation with public, trade and identified stakeholders. During this time officers to continue exploring rank possibilities and other related matters.	16 th June - 21 st July 2008 (5 weeks)
Committee (L&A)	Consultation responses feedback and recommendation to Strategy on de-restriction, zoning and related items.	4 th September 2008
Committee (Strategy)	Resolve de-restriction issue. Recommendations on to Council for amalgamation of zones and approval of submission case to Secretary of State.	18 th September 2008
Council	Resolution (pursuant to LGA1972 schedule 14 part 25) on zone amalgamation. Resolution to seek SoS approval for such resolution.	21 st October 2008
Submit case report to Secretary of State for Transport	Co-ordinate with SEBC and DfT. Officers to have scoped and drafted submission report by October 2008.	As soon as possible after Council resolution
Practical admin arrangements and any consequential updates to conditions	Ongoing assessment by officers. Head of Natural and Built Environment has delegated authority to approve any consequential amendments to conditions. Any proposals on increased rank provision may be subject to separate reporting.	As required