

BABERGH DISTRICT COUNCIL

FROM: Head of Natural and Built Environment

REPORT NUMBER **H97**

TO: LICENSING AND APPEALS COMMITTEE

DATE OF MEETING: 4 September 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 follows on from paper H39 discussed at the meeting of 5th June 2008. As resolved at that meeting, the Head of Natural and Built Environment has now conducted a five week public consultation seeking views on the various issues surrounding hackney carriage quantity controls, zoning and related matters. The analysis report of consultation responses is attached as **Appendix 1**. The more detailed responses have, as anticipated, been submitted by existing hackney carriage proprietors. A total of 18 responses were received including views from Inspector Paul Crick (Suffolk Constabulary - Sudbury Sector) and Sudbury Town Council.

2. RECOMMENDATIONS TO STRATEGY COMMITTEE

- 2.1 That the existing quantity limitation on the number of hackney carriage licences issued in the district be removed at such time as (a) the Council has resolved to amalgamate hackney carriage zones in the Babergh District area and (b) such resolution has been approved and commenced by order of the Secretary of State for Transport.
- 2.2 That section 171(4) of the Public Health Act 1875 be applied throughout the district of Babergh to create a single controlled zone for hackney carriage purposes, and that the Head of Natural and Built Environment be authorised to seek Secretary of State approval thereto in the terms set out in **Appendix 2**.

Recommendation 2.1 is to Strategy Committee.

Recommendation 2.2 is to Strategy Committee and Council.

3. FINANCIAL IMPLICATIONS:

- 3.1 None specifically arising from this report.
- 3.2 In terms of this policy review generally, maintaining quantity limitation 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.
- 3.3 The Council may 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
<p>(i) Lack of hackney carriage availability can have negative impacts on the consumer.</p> <p>(ii) Unmitigated removal of restriction policy could have negative impacts on traffic congestion, the environment and the livelihoods of those in the taxi/PHV trade.</p> <p>(iii) Maintaining the status quo will incur considerable costs to the Council in surveys and possible legal challenge</p>	<p>Significant</p>	<p>Critical</p>	<p>Review of licensing procedures, policy and strategies, against all available legislation, regulations, guidelines and best practice.</p>

5. KEY INFORMATION:

- 5.1 Consultation responses received, including those from Sudbury Town Council and Suffolk Constabulary, support the proposed changes (see **Appendix 3**), whilst existing hackney carriage proprietors have naturally expressed some concerns over how the changes will directly affect their livelihoods and taxi provision generally and do not support the proposals. There are case law rulings that local Councils should consult existing licensees even though it is on competition and demand issues that they have a financial interest in.
- 5.2 Some of the comments received are opinions on the outdated nature of the legislation (especially differentiating between Hackney Carriages and Private Hire Vehicles), or may be confined specifically to the situation in the Sudbury area rather than commenting on the wider elements of the review. It should be noted that the Department for Transport and Office of Fair Trading have recommended that quantity controls should be removed unless the Council can *demonstrate* that it would be of no benefit to the consumer.
- 5.3 The Head of Natural and Built Environment normally sets the entry criteria and licence conditions for vehicle licences, as may be revised from time to time. Raising vehicle entry standards for new hackney carriage plates may help to alleviate some of the concerns expressed by local hackney carriage operators, whilst at the same time offering greater accessibility, comfort and flexibility for the consumer. It could also lessen the likelihood of a saturated and unsustainable market and reduce the problems that may occur should vehicle entry standards for new plates be set too low. It is of useful comparison to note that since the delimitation at St Edmundsbury came into effect there has not been a glut of new applications in that area as the higher standards imposed for new vehicles has to an extent helped to control the influx of new operators.

- 5.4 In respect of the amalgamation of zoning element of the Hackney Carriage review, since the last meeting of 5th June 2008, the Department for Transport has further confirmed (see **Appendix 4**) that there has been yet a further delay in the passage of the Legislative Reform Order (LRO) that would simplify the process. Babergh had already anticipated this would be the case and resolved at the last meeting to proceed without delay or continued reliance on it.
- 5.5 The Head of Natural and Built Environment is liaising with colleagues from St Edmundsbury with a view to submitting a simultaneous case on zone amalgamation to the Secretary of State as this may carry more weight and increase the likelihood of approval. Discussions with the Department for Transport on the detail and criteria of the Council's submission have been held and these requirements have formed the basis of the draft submission attached as **Appendix 2**.
- 5.6 It should be noted that 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 review are both in accordance with the requirements of the Code and the declared objectives of the Better Regulation Executive. The proposals may also meet objectives within Babergh's Strategic Plan - for example "a reduction in the impact of rural isolation on parts of the district particularly limited access to affordable housing, transport and jobs" under the 'Vibrant places and strong communities' theme.

6. **APPENDICES:**

- (a) Appendix 1 - Consultation analysis report
- (b) Appendix 2 - HoNBE Case Submission to Department for Transport (draft)
- (c) Appendix 3 - Sudbury Town Council and Suffolk Constabulary responses

7. **BACKGROUND PAPERS REFERRED TO:**

None.

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HACKNEY CARRIAGE QUANTITY CONTROLS & ZONING REVIEW CONSULTATION

ANALYSIS

The consultation exercise ran from 16th June 2008 to 21st July 2008. During that period there were 2 (two) electronic submissions received and 16 (sixteen) paper submissions.

The unweighted responses to those questions are detailed below:

About you:

(more than one box may apply but please tick the main capacity in which you are responding)

Are you:

Base	21 (100%)
An existing Hackney Carriage licence holder	6 (28.5%)
An existing Private Hire licence holder	6 (28.5%)
A user of hackney carriage services	1 (5%)
A member of the public requiring specialist transport (i.e. a wheelchair accessible vehicle)	0 (0%)
Member of the general public able to use any vehicle	2 (9.5%)
Professional stakeholder or representative (town/parish councillor, Police Inspector, Highways Officer, traffic warden, disabled group representative etc)	6 (28.5%)
Other *	0 (0%)

* Please specify:

- Sudbury Town Council
- Inspector Paul Crick (Suffolk Constabulary)
- Great Wenham Parish Clerk
- Aldham Parish Council

Please remember that this policy review relates only to hackney carriages and therefore comments or references relating to private hire vehicles may not be relevant.

Q1 In your opinion is there sufficient availability of hackney carriage (taxi) services available in the district?

Base	16 (100%)
YES	10 (62.5%)
NO	6 (37.5%)

Please add any supporting comments:

- The population in Babergh has increased dramatically in the last 20 years, but we still only have 20 hackneys
- The current system of 20 HC's and many PHV only works to the degree it does because the public do not know the difference - during the evening there are very few HC's working.
- Never need to wait for very long.
- As a taxi proprietor, I think we have enough Hackney Carriage plates, combined with 118 Private Hire plates to cover the district. I know that this number includes the school transport, hospital cars, etc. but for the general public to book, we still have around 85 cars available.
- Considering the size of the town, the heavy congestion of traffic and lack of rank spaces for taxis, then there are more than enough taxis. At the moment the balance and ratio of taxis to public is excellent. It is important not to spoil the balance as it will only create further aggravation for the town.
- Sudbury is only a small town and there is more than enough taxis now.
- In Sudbury Hackney Carriages are around in the day - but come evenings and weekends (especially Sundays) you're lucky if there's one car on the rank.
- Don't know.
- Number of jobs off rank have reduced by a third in the last year. Often during day rank full and have to queue on double yellows. Working longer hours to gain some pay.
- Have a look at the ranks (Sudbury) during any shopping day (including Thursdays) and note the number of hackneys awaiting custom.

Q2 What would be the main advantages of increased availability?

Please list:

- Better all round service.
- Greater availability for the general public. Greater availability for employment. Greater competition.
- Easier access for the public and operator.
- None - unless there was an agreed working practice.
- Night time economy - enable people to leave town swiftly thereby avoiding queuing and opportunities to be explored by disorder.
- Price competition. Less waiting time. More availability at peak times i.e. weekends and late night.
- Reduced waiting times.
- Less waiting - female and vulnerable people.

- None whatsoever. This town could never properly accommodate extra taxis without a strain on the police, the disabled motorist and the town in general. Every town has its busy times and slow times, Sudbury has more slow than busy times, this is resolved by balance, alternating hours, i.e. I sometimes do not work early but work later etc. when the town is busier and needs more taxis. As regard evening work on the rank, its as follows:- Firstly, there is never enough work to constitute a living not even for one taxi. I have monitored this myself and discussed it with the few that do work after 6pm. Secondly, evening and night work on a rank has become very dangerous in any town, believe me, I have tried it for a long period of time. After 6pm on a rank you are alone and do not have the protection of the general public's presence, thus making you quite vulnerable. Only some months ago one of the Sudbury rank drivers was robbed by knife point to his throat. More recently another rank driver was threatened by teenagers using a hammer and knife. All drivers on the rank have had enough of being intimidated, attacked, mugged and/or abused and we are thus reluctant to work the rank after approximately 6.30pm in fear for our own safety. I urge you to think hard, nowadays it is no longer safe to be in a town centre in the evening/night, people who require taxis later in the evening can make a phone call to summon a taxi, there is no need to have taxis waiting like sitting ducks on a rank where local low-lives know you are alone and have cash with you. As further observation: it is mentioned that the "laws are outdated" but then so is Sudbury, i.e. no promised by-pass, terrible congestion and parking problems. The start of the introduction of parking meters by the back door (yes - we have noticed), no police station after 5pm necessitating a call to Martlesham then a very long wait. There is a total lack of police presence at all times and lack of security for the taxi drivers or anyone for that matter. Remember this is the day and age of the mobile phone, every person, child or elder has one which they can use to call a cab, as they are expected to do to summon the police - and this is deemed to be acceptable.
- I cannot see any advantage.
- Hopefully 24/7 availability.
- None.
- None.

Q3 Do you think that an increase in the availability of hackney carriage (taxi) services could cause any negative impacts? Please comment in the box below:

Base	16 (100%)
YES	7 (43.75%)
NO	3 (18.75%)
NOT SURE	6 (37.5%)

Why?

- If too many extra plates were issued?
- Possible flooding of market from outside operators.
- Because the Council do not realise that HC and PH are doing the same job - you cannot think only of HC.
- If the availability increased too much it may affect existing taxi services' profitability.
- I think there would be a negative impact. This would include more congestion, in a town where traffic is already at a standstill most Thursdays, Fridays and Saturdays. The problems we already face on rank space, would also be a major problem with only 9 spaces available for 20 plate holders. It would help the situation if the whole of the layby outside the Town Hall was Taxi Rank, instead of being available to private motorists. We often find ourselves having to ride around waiting for a space to park, this does not help congestion or our fuel costs.
- Because the town cannot accommodate the 20 plates already provided. It has always proved very bad practice to saturate any business, it just drags standards down to a very low level, puts lots of people out of work and causes congestion in this over crowded small town. Also remember a huge recession is imminent where taxis will be in much less demand.
- With all the rising cost in fuel, insurance and licensing, we would need to work longer hours and it could be dangerous.
- More complex to control quality of service. Possibly need for greater scrutiny of drivers/users of Hackney Carriage Licences to protect passengers.
- Congestion to town during days. Overflow on rank. Reduced business further.
- The one man bands would no longer be able to earn a sufficient income and would most likely end up on the state.

Q4a Do you understand the concept of hackney carriage zoning?

Base	17 (100%)
YES	17 (100%)
NO	0

Q4b Do you think a single district-wide zone would be preferable to 3 separate zones?

Base	17 (100%)
YES	5 (29.5%)
NO	9 (53%)
NOT SURE	3 (17.5%)

Why?

- Dedicated taxis for each zone, more competition.
- Wider availability and choice for those in rural and semi-rural areas
- Simplistic for enforcement
- Users from outlying villages are charged as if the taxi is coming from Sudbury (or Hadleigh) even if the taxi does not start off from there.
- Less limiting for user and operation.
- Overall joined up approach.
- As a Hackney Carriage owner I know only too well the concept of the zoning. The concept of the 3 zones being incorporated into one large zone, threatens the livelihood of every Hackney Carriage owner. The suggestion that we would be able to save fuel and keep down costs, by being able to pick up from where ever we drop within the zone, is total fantasy. I have been to Hadleigh once this year to date, and would probably still be sitting their waiting for a return fare to Sudbury. The only thing that will happen by having one zone, is that everyone will find out that they cannot make a living outside of town, and will then come into town to work, taking our work and what little rank space we have. We find this a very good reason to keep the zones in place, as they are at present. You mention in your notes on the considerations for policy review that a lack of consistency with other councils, who have no zones or quality controls. We should be looking at what is best for our own town and not be comparing ourselves with other towns. I would like to point out at this point, that some councils have gone down this route, and have now had to re-impose limits, Sheffield City Council being one of them.
- Because numerous companies and individuals will apply in the name of Hadleigh, Glemsford, Bures etc, but not one will operate or rank in that village, every single one will head for Sudbury thus causing more congestion and problems for Sudbury and the police, and the villages will not be served anyway.
- If the zoning is removed and plates were available for Long Melford, Hadleigh etc, they would all come and work in Sudbury.
- Some towns would be overwhelmed with taxis. Sudbury could not cope with an influx from other small towns and villages.
- Preferable - seems to work (as far as I am aware) in London. Not sure - could/should we avoid potential dominance by big operators at expense of 'small' local drivers.
- Because Sudbury would be main pull for Hackney Carriages which barely has enough trade for its own Hackney's leaving rest of district without.
- Only the Sudbury zone has a hackney licence take up. If the other zones had a requirement someone would have applied to meet this demand. By making a single zone you will then have people using the other zone's allocation to work Sudbury.

Q4c Do you think the Council should remove zoning at the same time as making new hackney carriage plates available?

Base	16 (100%)
YES	4 (25%)
NO	8 (50%)
NOT SURE	4 (25%)

Why?

- Leave the zones as they are
- Wider recognition and availability
- If you do zone you have to licence all vehicles as HC
- It will encourage greater competition.
- Less likely to be the problem as mentioned in Q3 as operators will be able to move further a field.
- Too much change - undue pressure on staff.
- To really understand the situation lets look one step further; imagine if you abolish county zones, i.e. Sudbury to Colchester, Chelmsford, Romford, London. Where do you think every taxi would end up? London - thinking they can earn more but in reality saturation in London would take place, chaos would reign and all other towns would have no Hackneys, resulting in everybody losing out. It is imperative that current zones remain, the system has worked for years, why change it now?
- I think if the Council remove zoning any new plates would come and work in Sudbury and then no one will be able to earn a living.
- See above.
- Leave it as it is - again as there is not enough trade at present to support increased number of Hackney Carriages in Sudbury which would be main draw let alone current number of Hackney Carriages.
- Extra plates are not needed in Sudbury. By removing zoning you are automatically allowing extra plates to work in Sudbury (ie. the number available in Zone 2 (Hadleigh) and 3 (Rest of the District)).

Q5 If hackney carriage (taxi) services were able to be immediately hired outside of the Sudbury zone do you believe this would encourage more operators to work outside of the Sudbury town centre area?

Base	17 (100%)
YES	4 (23.5%)
NO	8 (47%)
NOT SURE	5 (29.5%)

Why?

- If there were ranks in Cornard and Hadleigh for the other zones
- They do so anyway.
- The current system is very restricted.
- More opportunities.
- Because no Hackney or Private Hire has ever been able to make even the smallest living in a village. It has been tried and tested time and again, and never succeeded.
- Because there would not be enough work outside the Sudbury zone they would all come in to town centre and then no one will make a living.
- Potential exists for more operators, but I do not know enough about the necessary investments for start-up.
- Hackney Carriages would want to remain where main trade is i.e. Sudbury rather than wait where less frequent trade is.

- For a rank to pay it must be sited near a high usage pedestrian area such as Somerfields/Post Office area Sudbury. Other potential customers in this mobile phone age expect the taxi to go to them.

Q6 If new taxi stands were to be created in the district, which locations (whether on the public highway or on private land) do you think would be most desirable in terms of demand, ease of access, space, times of day etc? (Possible examples are bus-stops outside of service times in the evening, supermarket/leisure facilities carparks, specific roads or streets on the public highway)

- Poplar Road area, Great Cornard. High Street, Hadleigh or Tesco, Hadleigh
- Most of the above but avoiding main roads such as A12 & A14
- Magdalen Road
- Well lit ones close to areas of highest demand preferably covered by CCTV
- Definitely supermarkets and leisure centres.
- Pubs - may discourage drink-driving if there is a reliable alternative way to get home.
- Unsure
- The need for more rank space is an issue we face now, that's before the removal of zones or the issue of extra plates. We had to fight long and hard to get the extra spaces provided outside the Town Hall, and as already stated are still 11 spaces short on supplying the needs we have now. You mention that some ranks could be located on private land, I would like to know who would be paying for this, as we all know, no one is going to give land away for rank space, and not expect some form of return, especially the big supermarkets.
- It is imperative to maintain zones and encourage ranks to form in those zones i.e. Hadleigh to Glemsford etc. to serve the people of those areas. If zoning is abolished every Hackney will head straight for the town centre and the town will never cope with the traffic and aggravation involved. It is already happening with 20 plates.
- The slip-road that runs past Boots would be a good option.
- Recommend location(s) which are always available (i.e. not time restricted) they can therefore be publicised and people's awareness will grow. If restricted time slots apply, it may confuse people.
- None. No need at out of town supermarkets as aimed at car drivers. Non-car drivers would prefer to remain in town where more facilities are based.

Do you think there are any specific areas/locations to be avoided?

- No
- The High Street
- Unsure
- You must avoid split ranks in Sudbury at all cost to avoid confusion and utter mayhem. This was tried and tested for a year or more and failed miserably; people waiting at one rank and taxis at the other, causing a lot of bad feeling.
- If taxi stands were put on private land and supermarket car parks there would be a fee to pay so it wouldn't be worth it.
- Central area of Hadleigh High Street.

Q7 If you have used a Babergh licensed hackney carriage in the past, or are a regular user, how did you/do you rate the experience? (You may wish to comment on the waiting time, general service, standard and condition of the vehicle, cost etc):

Base	14 (100%)
EXCELLENT	2 (14.3%)
GOOD	5 (35.7%)
SATISFACTORY	0 (0%)
POOR	1 (7.1%)
NOT APPLICABLE	6 (42.9%)

Why?

- Dirty cars, lack of knowledge, lack of vehicles available because they are off doing private hire work or just off.
- My comments are based on other peoples' experiences
- Available when I needed it.
- Only short wait, but was quite expensive.
- What would you expect one to say!

Q8 Do you have any special requirements in accessing existing hackney carriages in the district (eg if you have mobility problems or use a wheelchair)?

Base	12 (100%)
YES	0 (0%)
NO	12 (100%)

Q9 If you do have any mobility or access problems do you find that existing licensed hackney carriages meet your travelling requirements?

Base	15 (100%)
YES	2 (13.3%)
NO	1 (6.7%)
NOT APPLICABLE	12 (80%)

Q10 If new plates are made available, would you wish to see new licences only issued for wheelchair accessible vehicles (which could also seat non-wheelchair using passengers)? This could allow more flexible transport options for disabled users.

Base	15 (100%)
YES	4 (26.7%)
NO	5 (33.3%)
NOT SURE	6 (40%)

Why?

- With 20+ years in the trade, we have only been asked total 5 times if we have wheelchair accessible vehicles. This is a small area and those whom need special transport already know who to contact.
- This provision may restrict the number of applications for new plates.
- These vehicles can still be used by fully able bodied.
- I don't see how you can put this question on the questionnaire, at the present time. In a report made public, under the Freedom of Information Act entitled Review of Taxi Accessibility Regulation, Effect of Compliance, the report showed that many of the counties the new regulations were not affordable and/or in other areas not sustainable. The report can be seen on the dft website at www.dft.gov.uk. So at the present time I don't see how you could only issue more plates on a wheelchair accessible vehicle only. We do at this present time have 4 companies who have wheelchair accessible vehicles, so we are meeting the needs of the wheelchair user.
- Completely unnecessary. I have served Sudbury taxi rank for approximately 30 years and have averaged one wheelchair per year. Sudbury sometimes appears to have more disabled than any other town in the country but they have their own cars - judging by the amount of cars that park on double yellow lines every day without penalty, causing more congestion than we need, and without our by-pass its a bloody nightmare. Also, after asking all wheelchair users their opinion, they have stated that they do not want to be wheeled into a van type vehicle, they want to travel like everybody else.
- There is not a need for wheelchair accessible vehicles as the work is not there but if licences are issued for one or two it would give people a choice.
- Mixture of vehicle specs would allow greater range of applicants.
- Limited need for wheelchair accessible vehicles and cost of vehicle and insurance would outweigh benefit. While on rank I have (also as operator) never received requests for wheelchair accessible vehicle. I believe mobility scooters for the more able are frontfilling this need while keeping their independence.

- If statistics show an increase year on year of people needing to sit in a wheelchair whilst in the vehicle - as against the wheelchair being folded and put into the boot. Over the last 8 years we have had two enquiries (the last one, strangely just 3 to 4 weeks ago).

Q11 Do you think it is preferable for the Council to remove zoning at the same time as making more taxis plates available?

For example taxis could then ply-for-hire in any part of the district and would not have to return to their 'home' zone before they could accept another fare.

Base	15 (100%)
YES	7 (46.7%)
NO	8 (53.3%)
NOT SURE	0 (0%)

Why?

- Leave zones as they are
- Wider availability for the public. In times of fuel price increase it would tend to make greater use of the 'Return' journey for the driver and also allow him to use a nearby rank after a hire.
- As stated in Q10.
- 1: Has conservation issues/common sense. 2: Taxi driving is a business and shouldn't be subject to unnecessary borders
- Fare charges could be based on the starting point and not the homezone. Better fuel efficiency and less pollution.
- Green issues would be better served.
- Refer to Q4c.
- Seems more environmentally friendly not to have empty vehicles returning to their base zone.
- Same as Q4(c)
- If a taxi from Sudbury was to go to Hadleigh it would be near impossible for a return fare.
- If they do not return 'home' as it were, it would make covering account work eg. schools etc, difficult if your car was in Bury and took a fare that wouldn't bring him back in time to cover pre-booked work.
- Increased potential for drivers/operators to recover cost and make profit.
- Again majority of taxis would remain where highest demand is making out of 'demand areas', suffer higher waiting times and therefore poorer service.
- See my answer to Q4c.

Q12 Do you think that hackney carriage vehicles in the Babergh area should be able to display third-party advertising (subject to suitability assessment and prior consent of the Council), as is seen in many towns and cities?

Base	15 (100%)
YES	8 (53.4%)
NO	2 (13.3%)
NOT SURE	5 (33.3%)

Why?

- Aren't they already ?
- Natural way to raise revenue and generally accepted in today's world.
- Enhancement of the economic viability of the service.
- Any help (i.e. increased income) in this time of financial constraint would presumably be welcomed by the operator.
- Why not? If approved etc.
- Personal choice.
- Understand the need to generate revenue but most vehicles carrying adverts seem somehow cheap and tacky.
- May make up for current loss of earnings experienced over the last year but doubt whether many would take things up.
- Anything that will help our margins would be welcomed. I would also like to provide something the size of an A4 page of local companies within the cab for our passengers use.

Q13 Have you any other comments concerning the provision of hackney carriage services in the district or any part of this review in general or specific terms?

- I applied for a hackney plate over 20 years ago, and I am still waiting patiently. With the increase in population there must be a call for some more taxis. If the population has doubled, give us another 20 plates and that should see us through for another 20 years.
- As I have stated in the past - both written and oral, it is necessary to have a meeting with the larger operators in order that the Council can understand what is actually happening on the street. If any changes are to be made it is essential that the difference between HC and PH be abolished.
- In conclusion, I have been in the taxi trade for 30 years and have seen many changes in our trade, and have gone through several changes of councils, and may do again if rumour is correct. And in all that time I have made a decent living, I have not gotten rich, but have enjoyed some good times. We are now looking at a time of hardship ahead, with the cost of fuel rising every week, and overheads going up, my profits have fallen from last year, just with the general state of the economy. It would seem that this is the worst possible time to be considering a change in the zoning.

- The consultation document in respect of hackney carriage licensing in Babergh was recently discussed by the town council's Highways and Footpaths Committee and, subsequently, at the meeting of the full council held on Tuesday 8th July 2008. Following the full council meeting I am instructed to write to you advising you that Sudbury Town Council supports the creation of a single zone for the licensing of hackney carriages in Babergh and the removal of restrictions on a number of licence plates issued in the district. On the latter point the council is mindful of the comments made in your letter accompanying the questionnaire on this matter whereby you note the wide-ranging powers that Babergh has in respect of setting certain criteria for the issuance of new plates. During its discussions members of the town council expressed particular concern at the lack of taxis in available for hire in Sudbury during night-time hours, as well as the shortage of taxi parking spaces in the town, and it was this consideration that proved the main influence on the council's decision. Please note that this letter supersedes any previous comments or correspondence that may have originated from Sudbury Town Council.
- Also would there not be different rates in different towns?
- Concern that if zoning removed all Hackney Carriages would come to Sudbury as limited work in Hadleigh etc causing saturation of business and rank overflow. Business moving out of town due to redevelopment of Tesco's so less demand for Hackney Carriages. Due to need to work longer hours, health and safety needs to be considered. As I feel very vulnerable working alone at night and due to previous experience of violent and aggressive behaviour independent operators may be discouraged to work nights. Not any night trade available during the week.

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HACKNEY CARRIAGE ZONE AMALGAMATION: CASE SUBMISSION REQUEST FOR APPROVAL AND COMMENCEMENT

FROM: BABERGH DISTRICT COUNCIL TO SECRETARY OF STATE FOR TRANSPORT
DATED: [date] 2008

Zone amalgamation resolution and evidence of Statutory Notice compliance:

- o Babergh District Council passed a resolution on [date] that section 171(4) of the Public Health Act 1875 be applied throughout the district of Babergh to create a single controlled zone for hackney carriage purposes. Report/minutes [number] date [date] refers.
- o Evidence that the statutory requirements of The Local Government Act 1972 (Schedule 14 para.25) has been complied with is attached as [Appendix]. Any responses or objections received during this process are attached.
- o The simultaneous review of hackney carriage quantity control delimitation and zone amalgamation has been considered by elected members of the Council's Licensing and Appeals Committee, Strategy Committee and full Council. Members have expressed a clear view that the zoning and delimitation issues are interlinked and should be addressed at the same time, and therefore this submission refers to both matters rather than zoning in isolation. Zone amalgamation coincided with an increase in hackney carriage availability may lessen some local negative impacts and benefit the consumer. A full consultation with stakeholders and the public was conducted on both issues in 2005 and again in June/July 2008, and this submission has considered all respondents views.

1: The Babergh District

- 1.1 Babergh is a predominately rural area in South Suffolk containing the two market towns of Sudbury and Hadleigh. The district also has several large villages including Great Cornard, Glemsford, Boxford, Lavenham and Long Melford - the latter two in particular being popular tourist destinations due to their picturesque buildings, character and historical significance. Geographically the district area encompasses the 230 square mile area between Colchester to the South, Ipswich to the North, Bury St Edmunds to the West and the Shotley peninsular to the East. At the last census in 2001 the district had a recorded population of 83,461 with an above the national average proportion of elderly residents. The numbers of residents in the age range of 20 to 35 is low in comparison with the national average.



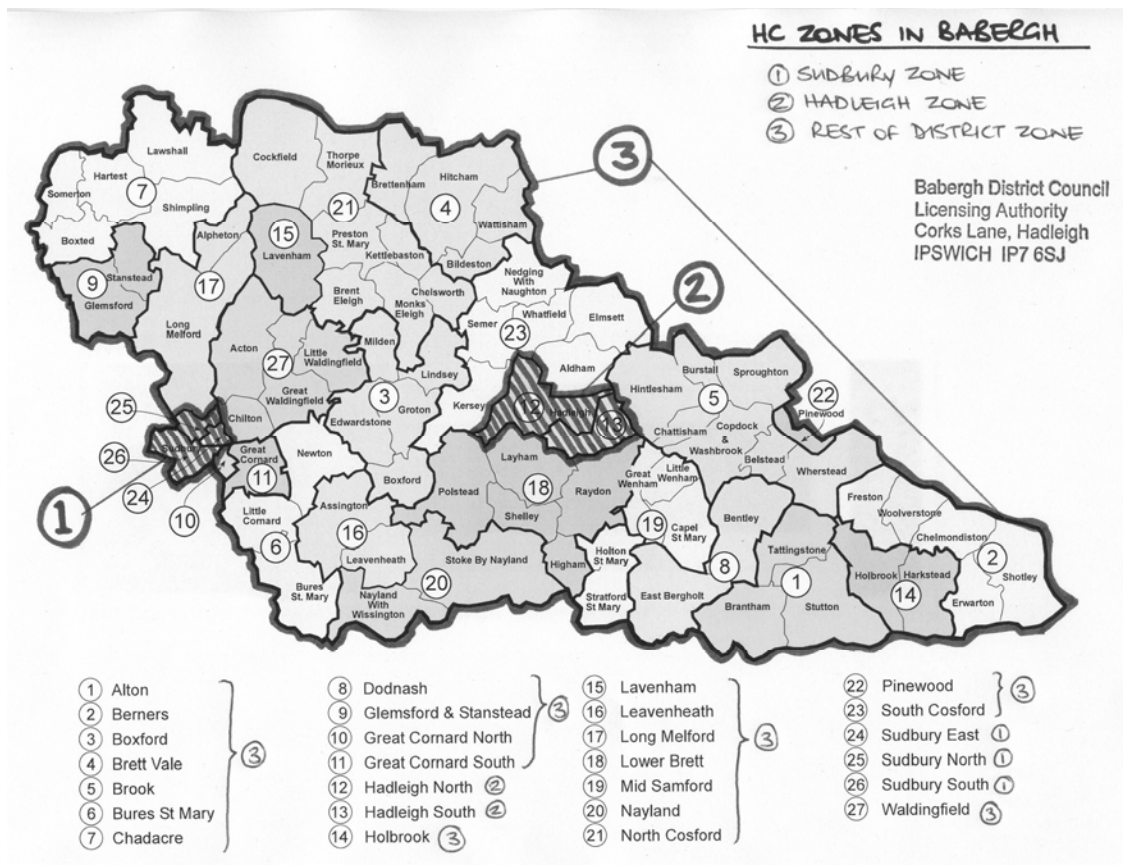
- 1.2 National statistics identify some areas of the district as having a higher than average number of households without access to their own transport. In some areas of the district public transport facilities and links are poor. The bus/train services, routes and times are restrictive on consumers - and this is particularly evident of an evening and night-time. Hadleigh has no train station and there is no direct train link from Sudbury to Ipswich (rail users have to travel into Essex and change at Marks Tey or Colchester). The local HC and PHV trade therefore provides a vital public transport service. Some citizens of the district rely heavily on taxi/PHV services, and a local taxi/PHV travel voucher scheme exists to help disabled and elderly customers with fares and to get around.
- 1.3 Local Government Review (LGR) issues amplify the urgency for Babergh to address the outdated zoning system, as the Boundary Commission's preferred option would split Babergh with 19 parishes going into the 'North Haven' Unitary and the remainder into a 'Suffolk Rural' unitary. Babergh's neighbouring Authority of St Edmundsbury Borough Council also has three zones and Babergh's submission may coincide with a similar request from St Edmundsbury. Zone retention could potentially complicate LGR issues for licensing if left unaddressed under the existing or any new legislative mechanisms.

2: Hackney Carriage (taxi) fare tariff

- 2.1 The Council regulates the **maximum** fare that may be charged, although a lesser fare may be agreed than that shown on the meter and the hirer may negotiate/haggle a lower amount than the metered fare with the proprietor should they be so inclined. The Council does not regulate PHV fares - normal practice is for PHV operators undercut the maximum HC fares and such competition is of benefit to the consumer.
- 2.2 The fare tariff table is reviewed normally every 12 months by a meeting between Council Officers and hackney carriage proprietors, and issues such as fuel costs, insurance, licence fees, inflation, waiting time, customer needs/expectations and other influencing factors are discussed before a consensus opinion is reached and this is then considered by the Council before any proposed increases are advertised, modified in the light of any objections, and come into effect.
- 2.3 At the present time there is one fare tariff table in effect for the whole district - as attached as **[Appendix]**. Should zone amalgamation be approved then tariffs may need to be reviewed and varied if necessary to take account of any local considerations. The existing tariff takes into consideration the fact that much of the daytime trade revolves around short 'shopping-run' hirings that are relied upon by elderly citizens and those without access to their own transport.

3: Zone amalgamation

- 3.1 The Babergh District area has been split into three zones since the last local government re-organisation back in 1974. The Council view this situation as purely a consequence of historical boundary changes, and that it is now an outdated and unnecessary barrier serving no practical purpose for local HC business operators. It is also out of sync with the single controlled zone in operation for PHV, and may be viewed as confusing and restrictive practice from the perspective of the consumer. The proposed LRO indicates that this opinion is widely held amongst those with a working knowledge of the outdated 1847 hackney carriage legislation, and many Councils already allow operation of HC's within a single controlled zone.



- 3.2 The limited quantity of 20 plates in the Sudbury zone have been on issue since prior to 1998. The Hadleigh zone has had HC plates on issue historically but none as at August 2008 and there are also currently no plates on issue in the 'Rest of District' zone. It should be noted that there is a significant PHV provision of 125 licensed vehicles in the district (including those working solely outside of the Sudbury zone) which suggests that there is consumer demand outside of the more densely populated areas. Many PHV operators licensed in the Babergh area take customers from the more rural communities into the larger regional towns of Ipswich, Colchester and Bury St Edmunds (including for leisure, shopping and medical purposes).
- 3.3 The Council has noted and does understand the concerns of existing HC proprietors that Sudbury town centre is an will remain the main draw for taxi service providers, however the **flexibility** afforded to operators and consumers alike by a single district-wide zone must not be overlooked, and in itself this may help to encourage HC providers to seek out and gain new customer bases in areas such as the out of town shopping and leisure facilities, Hadleigh, Long Melford, Lavenham, Great Cornard, Glemsford and other rural areas where HC's currently do not operate and public transport options are already severely limited. Tourists should also benefit from greater availability of vehicles available for immediate hire.
- 3.4 There are indications that existing plate holders have to an extent been 'protected' by the long-standing limitation policy and zoning and that this situation has not helped development of the availability of taxi services in the evening or early hours, as some proprietors do enough daytime business to be able to not work of an evening or night-time. Both Suffolk Constabulary and Sudbury Town Council have made representations to the Council that delimitation should help clear pubbers/clubbers more quickly from the town centres and impact positively on the prevention of crime, disorder and anti-social behaviour. If delimitation increases evening and night-time availability then this could positively impact on the local economy bringing people in and out of the leisure areas. Extra HC provision may help integrate transport links as passengers continue their journeys from rail and bus stops in the district.

- 3.5 The Council does note the concerns raised by HC licence holders that night work carries greater risk, and the Council already does all it reasonably can to help operators in this respect - making reference on the fare tariff table to soilage charges, making available guidance on staying safe, security products and signage, security partitioning and CCTV. It is fair to assume that HC proprietors may be more vulnerable than PHV - being available for immediate hire by strangers and without having pre-booked and recorded details. These concerns should be kept in perspective as the many private hire operators working at night do not report many problems and Suffolk Constabulary have not identified it as a prevalent issue in this area.
- 3.6 Zone amalgamation has clear benefits for the environment. The current situation that a hackney carriage proprietor has to return to his 'home' zone before taking another fare is clearly of no benefit to anyone. The flexibility to be immediately hired district wide is a compelling case, with fuel costs spiralling, raised awareness of the impact of carbon emissions and 'wasted' mileage being put on licensed vehicles.
- 3.6.1 There is an argument that HC proprietors will be compelled to accept hirings in areas of the district that are not viewed as profitable or that take them out of their preferred working area. This view may be countered by the opportunities for increasing customer base and increasing HC availability in villages and rural areas. There are many PHV's licensed that operate predominately in rural areas which would suggest that the market is there. The potential benefits for the consumer are self-evident, and some operators may need to diversify - working outside of their usual working areas and patterns in order to stay competitive. Views also expressed that immediate hirings outside of an operators favoured business area may make them 'late' for pre-booked work are an organisational issue for the operator. Clearly they should not indicate they are for hire, or illuminate their roof sign, if they already have booking commitments.
- 3.6.2 Some responses have referred to the existing availability of PHV to cater for any unmet demand. However it seems clear that some existing PHV operators will migrate to hackney services for the increased flexibility it provides, and indeed many on the list of enquirers for HC plates are existing PHV operators. The existing licensed ratio of 20 hackneys to 125 PHV is likely to change to more HC but less PHV.
- 3.6.3 Retention of quantity controls also creates an artificial value for the sale and transfer of hackney carriage plates and businesses and may not be viewed as good regulatory practice, and the protection of artificial value should not be a consideration (as supported by the judgement in *Wirral v Roydon*).

4: Hackney Carriage Stands (taxi ranks)

- 4.1 Currently there are 9 rank spaces for 20 vehicles (all in Sudbury).
- 4.2 The Council recognises the concerns raised by existing licence holders that there is not enough rank space, however the Council is not obliged to provide it and the lack of spaces to licensed vehicles is a common issue in most Authority areas. To a large degree the ability of hackney carriages to ply-for-hire and form their own ranks (traffic controls permitting) lessens the necessity for more dedicated ranks. Indeed it is unlikely that the town centre of Sudbury could site any more than the existing number of spaces on the highway, and the Highways Authority has indicated they may not be supportive of any proposals for further HC spaces. Although HC proprietors are keen to preserve the recognition and 'premium' service aspects afforded by ranks they are increasingly obsolete with the proliferation of mobile phone use and HC proprietors inherent ability to park where the business is.
- 4.3 The Council will however closely monitor the impact of any delimitation and zone amalgamation, and explore possibilities of providing additional rank spaces, either on the public highway or on private or council controlled land (whether on a permanent or time-limited basis). The Council at this time see this as an ancillary issue rather than a fundamental part of the delimitation/zoning review.

- 4.4 Existing Hackney Carriage licence holders express that there are fluctuating periods of high and low demand and that the busy periods balance the slower periods of custom. At peak times there are queues of customers and waiting time for a hiring lengthens, at others the rank is full and there is no queue.

5: Vehicle standards for new plates

- 5.1 The Council's preferred option is that the issuance of **additional** taxi plates be subject to an increase in vehicle standards, including a requirement that any new plates only be considered for side-loading wheelchair accessible vehicles (that can also take non-wheelchair using customers). This approach should:
- (a) Increase flexible transport options for the consumer and particularly wheelchair-users whose may have difficulty using 'regular' type vehicles
 - (b) Help to avoid an initial surge of applications and unsustainable market saturation and congestion/ranking problems that could be expected if vehicle standards were set too low.
- 5.2 The Council recognises that the additional availability in numbers of plates may put additional pressures on existing licence holders, however the Council views that the potential benefits to the consumer in competition, availability and accessibility must be weighted heavily. To help lessen any negative impacts on the livelihoods of existing HC businesses, the Council proposes to permit some forms of third party advertising on hackney carriage vehicles (subject to prior written approval of the Council in each case) to increase earning opportunities for local HC proprietors. This is increasingly common practice particularly in larger town and cities.
- 5.3 The Council also proposes that the existing 20 plates on issue will continue to be available for 'regular' type vehicles (as directed by the Council by entry criteria and conditions of licence). This will avoid any unreasonable burden on existing licence holders of having to purchase new vehicles to remain compliant with any raised vehicle standards, and will ensure that a proportion of the fleet remain mixed as wheelchair accessible and non-accessible.
- 5.4 Whilst the Council notes that taxi accessibility Regulations under the Disability Discrimination Act 1995 may now be subject to revision, it also notes from DfT circulars and best practice guidance that local Councils may choose to adopt their own local accessibility policies. The ruling in case R V Manchester City Council *ex parte* Reid and McHugh (1989) also guides that it is reasonable for a Council to make it a condition that their hackney carriages are wheelchair accessible.

6: Summary

- 6.1 The Council considers that a delimitation of hackney carriage numbers, commencing simultaneously with an amalgamation of zones in the district, will be of benefit to the consumer and promote competition, increased standards and increased availability in areas outside of the Sudbury town centre. It can not demonstrate that retaining quantity controls and zoning will bring any benefit to the consumer. These conclusions and proposed changes accord with the recommendations of the Department for Transport and Office of Fair Trading.
- 6.2 Delimitation coinciding with zone amalgamation should also help to promote speedy dispersal of patrons from town centre areas, and may help encourage more people to use leisure facilities in the towns and villages. Tourist areas such as Lavenham and Long Melford will also benefit from an increase in immediately available licensed vehicles, as will residents in more outlying areas with poor public transport links. An increase in vehicles plying-for-hire may also encourage people to not bring their own vehicles into areas with limited parking facilities (for example Hall Street, Long Melford).
- 6.3 It is considered likely that some existing private hire operators will reduce their PHV fleets in favour of obtaining more flexible hackney carriage vehicle licences.

- 6.4 It will also remove any artificially created value for the sale or transfer of HC businesses, and promote choice and competition for the benefit of the consumer.
- 6.5 The Council recognises that these changes are of concern to existing HC and therefore has identified some measures to lessen any negative impacts (1) increasing the vehicle standards for the issuance of new plates, (2) allowing the existing 20 plates to remain available for 'regular' type vehicles, and (3) relaxing rules on third party advertising on licensed hackney carriages to assist proprietors supplement their income. The Council already provides assistance and advice to licence holders in respect of staying safe (for example the Suffolk Constabulary 'Night Safe' campaign), and shall continue to do so, liaising with the local Police and Community Safety officers where necessary.
- 6.6 The Council also anticipates that raised vehicle entry criteria will mean prospective operators will assess their business viability very carefully in advance as the initial outlay may lessen the likelihood of a saturated market. This approach may also minimise the administrative burden on the Council's limited licensing and enforcement resource.
- 6.7 The Council works closely in partnership with the other local Licensing Authorities in Suffolk as part of the Suffolk Licensing Officers Group (SLOG) and Babergh and St Edmundsbury are the last of the seven Authorities to retain any HC zoning system. Although the legislation provides for local variation on policy, consistency with similar rural market town areas and adjoining Authorities should provide greater clarity for consumers and local operators as well as the administrative and enforcement authorities.
- 6.8 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 review are both in accordance with the requirements of the Code and the declared objectives of the Better Regulation Executive. The proposals may also meet objectives within Babergh's Strategic Plan - for example "a reduction in the impact of rural isolation on parts of the district particularly limited access to affordable housing, transport and jobs" under the '*Vibrant places and strong communities*' theme.

From: PippaA Brown [mailto:PippaA.Brown@dft.gsi.gov.uk]
Sent: 24 July 2008 12:11
Subject: Taxi licensing zones

For information: no action required.

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All,

You have previously registered an interest in progress on the Legislative Reform Order (The Legislative Reform (Local Authority Consents) (England & Wales) Order 2008) which will remove the Secretary of State's role in approving local authority resolutions to amalgamate taxi licensing zones.

We had hoped to have been able to announce a positive outcome by this stage, but I am afraid that ***the Order must now await Parliament's return from its Recess in October as the relevant debate has not yet taken place.***

I attach - for ease of reference - the letter which David Farmer sent to all local authorities in July 2007 when the Order was laid before Parliament.

I shall, of course, inform you once progress has been made in the Autumn.

In the meantime, please let me know if you have any queries.

Pippa

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