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**Meeting:** Extraordinary Regulation Committee Meeting  
**Date:** 13<sup>th</sup> January 2010  
**Subject:** Hackney Carriage Byelaws  
**Report of:** Gary Alderson - Director of Sustainable Communities  
**Summary:** This report seeks instructions on whether or not Members wish to retain separate licensing zones or establish a single taxi licensing area in order to adopt new hackney carriage byelaws for Central Bedfordshire.

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**Contact Officer:** Margaret James, Licensing and Enforcement Officer  
**Public/Exempt:** Public  
**Wards Affected:** All  
**Function of:** Council

## **CORPORATE IMPLICATIONS**

### **Council Priorities:**

Supporting and Caring for an ageing population – provision of safe public transport supports independent living.

Educating protecting and providing opportunities for children and young people - provision of safe public transport allows children and young people to travel to educational and other activities in a safe environment.

Creating safer communities – the provision of regulated public transport helps ensure a vibrant and safe night time economy.

### **Financial:**

Fees are payable for this type of licence, the fees being charged represent the cost to the Council of producing this type of licence.

### **Legal:**

Local Government (Miscellaneous Provisions) Act 1976.  
Town Police Clauses Act 1847.

### **Risk Management:**

Ensuring that private hire vehicles operating in central Bedfordshire are safe and properly regulated.

### **Staffing (including Trades Unions):**

There are no staffing implications.

**Equalities/Human Rights:**

The Council has a legal duty to proactively promote race, gender and disability equality and to tackle discrimination experienced by other vulnerable groups. No equality issues have been identified during the development of these byelaws

**Community Safety:**

Contributes to a safer public transport system and a safer night time economy. The Council has a statutory duty under Section 17 of the Crime and Disorder Act to do all that it reasonably can to reduce crime and disorder in its area. The provision of safe, well regulated transport contributes to this duty. The provision of sufficient numbers of taxis is a key component of reducing crime and disorder problems linked to the night time economy and licensed premises. In addition, it is essential to ensure that the public, and particularly more vulnerable members of the community, are not left without safe transport options which may lead them to take decisions which put their safety at risk.

**Sustainability:**

By regulating this service area we can ensure that those businesses that are compliant can be supported, and resources can be focused at those businesses that will not comply.

**RECOMMENDATION(S):**

1. **That the Regulation Committee make a policy decision about whether it wishes to retain separate licensing zones or establish a single taxi licensing area for the Central Bedfordshire area and to recommend that the Full Council approve such a decision.**
2. **That the Committee make a policy decision about making a new set of hackney carriage byelaws for:-**
  - (a) **A single taxi licensing area comprising the whole of the unitary authority area; or**
  - (b) **Two taxi licensing areas comprising of Zone A (the former South Bedfordshire District Council area) and Zone B (the former Mid Bedfordshire District Council area)**

**And to recommend that the Full Council approve such a decision.**

**Background**

1. This Council is the Licensing Authority for hackney carriage and private hire drivers, vehicles and operators and is responsible for providing a licensed service to the community that is safe and accessible.
2. The hackney carriage and private hire trade have a right to expect a fair and reasonable licensing regime.

3. The policies and conditions attached to the former South Bedfordshire District Council (S.B.D.C.) licences, differ to those attached to the former Mid Bedfordshire District Council (M.B.D.C.) It is necessary, therefore, to agree on new policies and conditions for Central Bedfordshire Council.
4. Regulations exist which provide for the continuity of existing legislation until new policies and conditions are adopted.
5. During this transition period, it has been necessary to zone Central Bedfordshire into two areas to reflect the policies and regulations previously adopted by SBDC and MBDC.
6. When new conditions and policies have been adopted, there will no longer be a need for zoning, however, if Members wish to establish a single taxi licensing area, it must pass a resolution under paragraph 25 of the schedule 14 to the Local Government Act 1972. It is only once the zones have been amalgamated that the authority could make a single set of byelaws covering the whole of the unitary authority area.
7. The new byelaws must be in place by 1<sup>st</sup> April 2010.
8. In matters where interested parties have opposed the draft byelaws, Members will be given options to either keep the draft byelaws or amend them.

### **The Consultation Process**

9. Before a local authority can make a decision on byelaws affecting the hackney carriage trade, they must consider the views of all interested parties.
10. In March 2009, all hackney carriage and private hire proprietors, operators and drivers were informed of the need for consultation. A copy of the letter sent to the trade is attached at Appendix 'A'.
11. In April 2009, all hackney carriage and private hire proprietors, operators and drivers, together with other interested parties, were informed of the consultation process and sent draft copies of the byelaws relating to hackney carriages. A copy of the letter sent to the trade is attached at Appendix 'B'.

### **Response to the Consultation**

12. A good response to the consultation was received from the trade. Approximately 85 licence holders attended the 'drop in' meetings and numerous comments were made by letter, fax and in person. The views of the trade and other interested parties are attached at Appendix 'C'.

## **Hackney Carriage Byelaws**

13. Before a new set of byelaws can be considered, Members must decide whether they wish to establish a single prescribed distance (the term use in the Town Police Clauses Act 1847 to describe the area in which a taxi can ply for hire) comprising the whole of the new unitary authority's area, or keep two licensing zones where licensed taxi drivers would be restricted to plying for hire within their own zone.
14. A copy of the draft Hackney Carriage Byelaws is attached at Appendix 'D'. The draft is based on the model bylaws for hackney carriages and assumes that Central Bedfordshire is a single taxi licensing area comprising the whole of the unitary authority. If members decide that they wish to keep two taxi licensing areas comprising of Zone A (the former South Bedfordshire District Council area and Zone B (the former Mid Bedfordshire District Council area) it will be necessary to have two separate sets of Byelaws. However, the only difference would be that the byelaws for Zone B would not refer to hackney carriage stands because, at the present, time, there are no stands in the former Mid Bedfordshire area.
15. The Department for Transport considers hackney carriage zones in its 'Best Practice Guide'. The guide states:-
  - (a) '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.
  - (b) 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 cost 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.'

## **Views of Interested Parties**

16. Many of the trade are in favour of keeping two zones. At the 'drop in' meetings, both former SBDC proprietors (Zone A) and former MBDC (Zone B) said that they were worried about losing business if taxis were allowed to ply for hire throughout the entire Central Bedfordshire area. They also believed that it would not be fair on the general public if drivers were able to ply for hire in an area they did not know.

## **Conclusion and Next Steps**

17. Members recommendations will be put before a meeting of the Full Council on 25<sup>th</sup> February 2010.

### **Appendices:**

Appendix A - letter sent to the trade dated March 2009

Appendix B - letter sent to the trade dated April 2009

Appendix C - Views of the trade and other interested parties

Appendix D - Draft hackney carriage byelaws

**Background Papers:** N/A

**Location of papers:** The Council Offices, Dunstable