



Report to Leader (Regulatory Services portfolio)

Date: 22 April 2021

Reference: RS02.21

Title: **Taxi and private hire licensing – resolutions to create single private hire and hackney carriage zones for the Buckinghamshire Council area**

Relevant councillor(s): Councillor Fred Wilson

Author and/or contact officer: Simon Gallacher, Principal Licensing Officer

Ward(s) affected: Council wide

Recommendations:

- 1) To pass a resolution on 27 April 2021 that the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 (other than section 45) shall be adopted within the administrative area of Buckinghamshire Council, with effect from 6th September 2021.**
- 2) To pass a resolution on 27 April 2021, in accordance with schedule 14 of the Local Government Act 1972, to remove the current hackney carriage zones within the administrative area of Buckinghamshire Council and that all the provisions of the hackney carriage licensing regime be applied across the whole administrative area of Buckinghamshire Council, with effect from 6th September 2021.**

Reason for decision:

Recommendation 1.

The adoption is necessary to consolidate four previous resolutions of the predecessor district councils, to create one 'controlled district' to reflect the administrative area of Buckinghamshire Council. The consolidation supports the adoption of a single licensing policy and is necessary to remove the current boundaries, facilitating the licensed taxi and private hire trades' ability to work freely across Buckinghamshire

Council's area, operating to the same standards, without the need for separate licences, resulting in efficiency and cost savings to passengers, the trade and the council.

Recommendation 2.

The removal of hackney carriage zones will allow licensed taxis the freedom to stand and ply for hire across Buckinghamshire Council's area. This approach reflects Department for Transport Best Practice Guidance, which advocates the removal of zones and allowing market forces to determine the level of supply as the most advantageous option for the public. A single zone approach also promotes efficiency, environmental objectives and profitability with the potential for fewer empty journeys, wider distribution of wheelchair accessible vehicles and cost and efficiency savings for the council administering one zone, with one set of rules and tariff of fares.

The Leader is now requested to make the resolutions as per the recommendations. It is proposed that both resolutions take effect from 6th September 2021 to allow sufficient time to implement additional requirements associated with the new Taxi and Private Hire Licensing Policy.

1. Content of report

- 1.1 Buckinghamshire Council currently operates four separate areas for licensing taxi and private hire vehicle operations, reflective of the four former district council areas. In addition, taxis or hackney carriages, are restricted to standing and plying for hire in one of five zones defined by historic boundaries. Each area and zone is currently subject to separate policies, rules, procedures, licensing fees and fare structures in the case of taxis.
- 1.2 Each of the former district council areas had previously resolved to adopt Part II of the Local Government Miscellaneous Provisions Act 1976 and as such operated as controlled districts for the licensing of private hire and taxis. As a consequence of the unitary decision these areas have effectively remained in place and currently each area continues to operate as a distinct controlled district. A new resolution, with the effect of deeming the Buckinghamshire Council area as the controlled district, will remove these barriers and allow the council to operate one licensing regime across its whole area. This approach will support both the ethos of the unitary decision to improve efficiency and provide cost savings as well as support the adoption of a single licensing policy. On a practical level, all licensed private hire drivers, vehicle owners and operators will be able to freely operate across the whole council area without the need for separate licences, saving time and money. The public will benefit by having a single, clearly identifiable licensed fleet of vehicles for Buckinghamshire, accessibility to a wider choice of locally licensed vehicles, assurances that all Buckinghamshire licensed vehicles, drivers and operators are held

to the same high standards and there are potential cost savings through increased competition. The council also benefits through cost and efficiency savings administering one licensing regime, which ultimately in turn will benefit the trade and passengers through reduced licence fees.

1.3 There are currently five separate hackney carriage zones in the Buckinghamshire Council area, each with separate requirements in respect of vehicle specifications, fares, licence fees, and defined areas where they are permitted to stand and ply for hire. In addition, the Aylesbury Zone currently has a numerical limitation of a maximum of 50 licensed vehicles. Responses to the council's pre-engagement and full consultation surveys on this issue were mixed with many respondents unsure, some saying the zones should remain and others saying that they should be removed. Responses tended to be reflective of the respondents' circumstances, notably the licensed hackney trade which expressed strong disagreement to the removal of the zones. Those in the private hire trade were generally supportive of the removal of hackney carriage zones and residents tended to have mixed views. Analysis of the open question responses given by the hackney trade opposed to the removal of zones most commonly cited concerns about lack of local knowledge and the potential for "flocking" to hotspots if zones were removed. These concerns have been considered, alongside the advantages of removing zones and the experiences of other unitary authorities which have removed zones.

1.4 The advantages of removing the existing zones are as follows:

- Department for Transport recommends the abolition of zones, chiefly for the benefit of the travelling public. Zoning tends to diminish supply and scope for customer choice and causes confusion and frustration for the public.
- A single hackney zone aligns with the ethos of a unitary authority, promoting the rationalisation and streamlining of services and providing a coherent service for residents. A single zone also facilitates strategic decision making such as future provision of taxi ranks and vehicle specification.
- A single zone promotes a better service to local residents and businesses, allowing the trade to respond flexibly to changes in demand across the whole Council area, for example at peak times. For the trade, there are efficiency savings and increased profitability through reducing the amount of unoccupied journeys.
- A single zone only requires a single tariff of fares, simplifying the process for the trade and passengers, with efficiency savings for the council.
- A single zone should improve the distribution of wheelchair accessible vehicles across the Council area.
- The removal of zones will make the Aylesbury numerical limitation policy redundant. Such policies must be supported by frequent unmet demand surveys,

which are complex and costly to implement. The DfT's view is that such quantity controls are generally anti-competitive and should be removed unless there is compelling reason based on the interests of the travelling public to maintain a limit.

- 1.5 The creation of a single zone will inevitably require a period of settling down while the local trade adjusts. Evidence from other unitary authorities which have removed zones indicates that the negative impacts dissipate relatively quickly as market forces take effect, ultimately providing a better service for the travelling public.
- 1.6 Following the full taxi policy consultation, both matters were considered in detail by the Licensing Committee on 3 February 2021. The Committee resolved to recommend that the council remove the existing licensing zones for both taxi and private hire vehicles.
- 1.7 On 24 February 2021 the council resolved to adopt a new single Taxi and Private Hire Licensing policy for the whole of the Buckinghamshire Council administrative area. The new policy advocates a single zone approach.
- 1.8 On 5 March 2021 the Cabinet Member for Regulatory Service authorised the Transition Head of Licensing, or an officer acting on their behalf, to provide notice, in accordance with section 45 of the Local Government Act (Miscellaneous Provisions) Act 1976, of the Council's intention to pass a resolution on 27 April 2021 to adopt the provisions of Part II of the 1976 Act in relation to the administrative area of Buckinghamshire Council, with effect from 6 September 2021. Notice of intention will be published prior to 27 April 2021 in accordance with the provisions of section 45 of the 1976 Act.
- 1.9 On 5 March 2021 the Cabinet Member for Regulatory Service authorised the Transition Head of Licensing, or an officer acting on their behalf, to provide notice, in accordance with the relevant provisions of Schedule 14 of the Local Government Act 1972, that it is the intention of the Council to pass a resolution on 27 April 2021 removing the existing hackney carriage zones and that all provisions of the hackney carriage licensing regime be applied across the whole of the administrative area of Buckinghamshire Council, with effect from 6 September 2021. Notice of intention will be published prior to 27 April 2021 in accordance with the provisions of Schedule 14 of the 1972 Act.
- 1.10 The statutory public notices will be published in the Bucks Free Press, Bucks Herald, Bucks and Winslow Advertiser and the Slough Observer in the weeks commencing 12th and 19th April 2021. On the first date of publication copies of the public notices will be served by electronic or postal mail on all parish and town councils within the Buckinghamshire Council area, as published on the council website:
<https://buckinghamshire.moderngov.co.uk/mgCSVMultiExplain.aspx?UID=0&All=1&PC=1&RPID=0>

2. Other options considered

- 2.1 With respect to recommendation 1), there have been no contrary opinions expressed by any of the stakeholders to the creation of single “controlled district”. The creation of a single controlled district is a logical step to support the unitary decision and the adoption of a single policy. The council could decide to not consolidate the former district areas however there is no tangible benefit and there is the potential risk of legal challenge.
- 2.2 With respect to recommendation 2), the council could lawfully retain the existing hackney carriage zones avoiding the concerns of clustering around hotspots and loss of local knowledge. As already noted, experience elsewhere indicates that any clustering tends to dissipate overtime as market forces take effect. While local knowledge is clearly advantageous, most drivers also make use of navigational aids which also have the advantage of providing real time travel information. Interestingly, the concerns around clustering and local knowledge have been raised by representatives of the four main zones and it is indicative of the likely outcome: should the zones be removed drivers will continue to primarily focus on their existing areas of work, with the advantage that they may also collect passengers from a wider area on their return journey.

3. Legal and financial implications

- 3.1 Section 45(2) of the 1976 Act provides that if the Town Police Clauses Act 1847 is in force in the area of a district council, the council may resolve that the provisions of Part II of the 1976 Act (other than section 45) are to apply to the relevant area; and if the council do so resolve those provisions shall come into force in the relevant area on the day specified in that behalf in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed). “The relevant area” for these purposes means: (a) if the Act of 1847 is in force throughout the area of the council, that area; and (b) if the Act of 1847 is in force for part only of the area of the council, that part of that area.
- 3.2 Section 45(3) provides that a council shall not pass a resolution adopting Part II of the 1976 Act unless it has (a) published a notice of intention to pass the resolution in a local newspaper circulating in the area for two consecutive weeks; and (b) served a copy of the notice, not later than the date on which it is first published in the newspaper, on each Parish or community council within the area to be affected.
- 3.3 Local Government Act 1972, Schedule 14, paragraph 25- enables a local authority to resolve that Section 171(4), PHA 1875 shall apply, or shall cease to apply, throughout the authorities area. Section 171(4) Public Health Act 1875, incorporates the Town Police Clauses Act 1847.

- 3.4 Schedule 14, paragraph 25 requires that prior to making such a resolution the council must give the requisite 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. The date on which a resolution under this paragraph is to take effect shall be a date specified therein, being not earlier than one month after the date of the resolution.”
- 3.5 The council is required to meet the cost of publishing notices in local newspapers circulating in the Buckinghamshire Council area. This cost will be recovered from licensing fees. There may be future cost implications associated with these resolutions, for example through the reduction in licences needed to operate across the council area. There will also likely be cost savings from administering one licence regime. Any future costs or savings incurred will be closely monitored and reflected in adjustments to licence fees to ensure that they are set on a cost recovery basis.

4. Corporate implications

4.1

- a) Property- The consolidation of taxi and vehicle licensing arrangements has implications for vehicle testing. A council review is ongoing and various options are being explored, which includes the potential use of the new Pembroke Road facility for increased vehicle testing.
- b) HR – N/A
- c) Climate change – The ability for licensed vehicles to collect passengers from a wider geographic area reduces the number of “empty journeys” promoting efficiency of vehicle use.
- d) Sustainability - The provision of efficient and more widely available public transport network reduces the need and desire for private car ownership.
- e) Equality – An Equality Impact Assessment was carried out alongside the Taxi and Private Hire Policy consultation – see background papers.
- f) Data – N/A
- g) Financial – Taxi licensing is a cost neutral service that operates on a cost recovery basis as a trading account with no impact to the Councils overall budget

Value for money – a consolidated taxi and private licensing regime reduces financial burdens on the council and the trade. The council benefits from administering and adopting one set of rules, fees and fares. The trade benefit from a single regime that allows them to operate across a significantly larger area and ultimately benefits from council efficiency savings through lower fees.

5. Local councillors & community boards consultation & views

- 5.1 The proposed recommendations were conveyed to councillors and community groups through the extensive consultation on the new taxi and private hire policy. In addition public notices setting out the proposed resolutions will be sent to all parish and town councils prior to any resolution being made.

6. Communication, engagement & further consultation

- 6.1 The council has consulted both widely and extensively on the new taxi and private hire policy and at each stage of this process the alignment of taxi and private hire licensing regimes and the removal of hackney carriages zones has been considered. Pre-engagement consultation took place with key stakeholders, including an online survey which ran between 7th and 27th September 2020. The survey was sent to all licensed drivers, vehicle owners and operators, councillors, parish councils and organisations representative of transport users. Workshops took place with Licensing Committee Members on 15th and 16th September 2020. Trade workshops took place on 17th and 18th November 2020, with an additional question and answer session on 15th December 2020. A full public consultation exercise took place between 10th November 2020 and 4th January 2021.
- 6.2 Full details of the consultation are contained with the Licensing Committee and Full Council reports, see background papers.

7. Next steps and review

- 7.1 Should the resolutions be made, work will begin on practical implementation of the decision including publicity with the trade and the general public. Work has already commenced on forming a new taxi working group, which will act as a focus and steering group involving council officers and trade representatives.

8. Background papers

- 8.1 Report to Full Council, Buckinghamshire Council Taxi and Private Hire Licensing Policy 24 February 2021

<https://buckinghamshire.moderngov.co.uk/documents/s18131/Taxi%20Policy%20Full%20Council%20report.pdf>

- 8.2 Report to Licensing (Regulatory) Committee, Buckinghamshire Council Taxi and Private Hire Licensing Policy, 3 February 2021

<https://buckinghamshire.moderngov.co.uk/documents/s17315/Licensing%20Committee%20Taxi%20Policy%20Report%203rd%20Feb%20FINAL.pdf>

- 8.3 DfT, Taxi and Private Hire Vehicle Licensing, Best Practice Guidance

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf

9. Your questions and views (for key decisions)

- 9.1 If you have any questions about the matters contained in this report please get in touch with the author of this report. If you have any views that you would like the cabinet member to consider please inform the democratic services team. This can be done by telephone 01296 382343 or email democracy@buckinghamshire.gov.uk