

		AGENDA ITEM NO.																																								
Report Cover Sheet																																										
Name of Meeting:		Regulatory Committee																																								
Date of Meeting:		30 th July 2007																																								
Report Title:		Deregulation of hackney carriage zones																																								
Summary of report:		To consider the merging of the four current zones into one																																								
For Further Information Please Contact (report author):		David Davies, Licensing Services Manager, Members' Services. Tel: 01926 456107. david.davies@warwickdc.gov.uk																																								
Would the recommended decision be contrary to the Policy Framework:		No																																								
Would the recommended decision be contrary to the Budgetary framework:		No																																								
Wards of the District directly affected by this decision:		All																																								
Key Decision?		Yes																																								
Included within the Forward Plan?		Yes																																								
Is the report Private & Confidential		No																																								
Background Papers:		None																																								
Consultation Undertaken Below is a table of the Council's regular consultees. However not all have to be consulted on every matter and if there was no obligation to consult with a specific consultee they will be marked as n/a.																																										
<table border="1"> <thead> <tr> <th>Consultees</th> <th>Yes/ No</th> <th>Who</th> </tr> </thead> <tbody> <tr> <td>Other Committees</td> <td>n/a</td> <td></td> </tr> <tr> <td>Ward Councillors</td> <td>n/a</td> <td></td> </tr> <tr> <td>Portfolio Holders</td> <td>Yes</td> <td>Councillor Kinson</td> </tr> <tr> <td>Other Councillors</td> <td>n/a</td> <td></td> </tr> <tr> <td>Warwick District Council recognised Trades Unions</td> <td>n/a</td> <td></td> </tr> <tr> <td>Other Warwick District Council Service Areas</td> <td>n/a</td> <td></td> </tr> <tr> <td>Project partners</td> <td>n/a</td> <td></td> </tr> <tr> <td>Parish/Town Council</td> <td>Yes</td> <td>All</td> </tr> <tr> <td>Highways Authority</td> <td>n/a</td> <td></td> </tr> <tr> <td>Residents</td> <td>n/a</td> <td></td> </tr> <tr> <td>Citizens Panel</td> <td>n/a</td> <td></td> </tr> <tr> <td>Other consultees</td> <td>Yes</td> <td>All hackney carriage and private hire drivers</td> </tr> </tbody> </table>				Consultees	Yes/ No	Who	Other Committees	n/a		Ward Councillors	n/a		Portfolio Holders	Yes	Councillor Kinson	Other Councillors	n/a		Warwick District Council recognised Trades Unions	n/a		Other Warwick District Council Service Areas	n/a		Project partners	n/a		Parish/Town Council	Yes	All	Highways Authority	n/a		Residents	n/a		Citizens Panel	n/a		Other consultees	Yes	All hackney carriage and private hire drivers
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Officer Approval		
With regard to officer approval all reports must be approved by the report author's relevant director, Finance Services and Legal Services.		
Officer Approval	Date	Name
Relevant Director(s)	20/6/07	Chris Elliot
Chief Executive		n/a
CMT		n/a
Section 151 Officer		n/a
Legal	20/6/07	Simon Best
Finance	20/6/07	Gary walker
Final Decision?		No
Suggested next steps (if not final decision please set out below)		

1. RECOMMENDATION

- 1.1 Members are asked to consider whether they wish to agree in principle to apply the provisions of 171(4) of the Public Act 1875 to the whole of the District and, if so, to authorise the officers to give notice that it will formally resolve to adopt the provisions at a meeting to be arranged;

(A report will be submitted to the further meeting at which the Committee will be asked to formally pass the necessary resolution and to approve the guidance notes and conditions)

2. REASONS FOR THE RECOMMENDATION

- 2.1 Prior to 1974, hackney carriages were licensed by the former Boroughs of Leamington Spa and Warwick and the Urban District Council of Kenilworth.
- 2.2 There was no taxi licensing in the area of the former Warwick Rural District Council.
- 2.3 The District Council decided to keep the separate areas, (zones), when the Councils amalgamated to form Warwick District Council. The decision was made because it was felt that if the zones were removed all taxis would concentrate on Leamington Spa and there would be no service for Kenilworth or Warwick.
- 2.4 The Transport Act 1985 extended hackney carriage licensing to all areas of the country. This meant that, for the first time, the area of the former Warwick Rural District Council was covered by the Hackney Carriage Licensing regime. It was decided at that time that this should form a fourth zone.
- 2.5 Byelaws were made by the Leamington and Warwick Borough Councils and the Kenilworth Urban District Council for the regulation of taxis, and these are still in force. It was not felt necessary to make byelaws for the Rural District as there were no ranks in the area and little demand for taxi licences.
- 2.6 The only reason the Council kept these zones in 1974 was because of the fear that all licensed vehicles would congregate in the most lucrative area of Leamington Spa. This argument has been eroded over the years mainly because of the increase in the number of private hire vehicles, and their availability to provide a service for any part of the District. There would also appear to be sufficient trade in Warwick and Kenilworth to ensure that a taxi service is maintained in those towns. This view is supported by the fact that it is the Warwick proprietors who are objecting to the proposal as they feel that cars from all over the District will congregate in Warwick.
- 2.7 The Coventry Airport, the National Agricultural Centre, Stoneleigh and the Warwick Parkway Railway Station are all in the rural area. At present, there are only two taxis licensed for the rural area and if ranks were to be established at the airport and the railway station, the majority of licensed taxis for the district would not be able legally ply for hire from those areas.
- 2.8 At present if a Leamington taxi takes a fare to Kenilworth it is not allowed to wait in Kenilworth to attract a fare but must return empty to Leamington Spa. It is felt that it

would be more environmentally friendly if vehicles from the three towns could ply for hire in each town, rather than have to return to the town for which they are at present licensed.

- 2.9 The Department for Transport in their October 2006 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' recommends the abolition of zones.
- 2.10 If the zones were removed it would be necessary to either make new byelaws to cover the whole district or to introduce conditions to attach to licences to give effect to the provisions of the byelaws.
- 2.11 It is suggested that new byelaws are not made but that conditions be attached to licences to give effect to the provisions of the byelaws.
- 2.12 Sets of proposed conditions have been drawn up. These are intended to replace the existing conditions and the byelaws and also those for private hire licences. Guidance notes on taxi and private hire licensing generally have been drawn up and the conditions are attached as appendices. This document containing the conditions would then be sent to anyone enquiring about licences for taxis or private hire.
- 2.13 Before the Council can formally resolve to apply Section 171(4) of the Public Act 1875 to the whole of the District it must, under the provisions of the Local Government Act 1972, give notice of its intention to do so in two consecutive weeks in a local newspaper circulating in the district.
- 2.14 The approval of the Secretary of State for Transport is required to any decision to apply Section 171(4) (ie amalgamate the zones) and the effective date will be specified in the Secretary of State's approval.
- 2.15 If the zones were amalgamated, the byelaws at present in force which were made by the former local authorities would cease to have effect.
- 2.16 The Town Councils and the proprietors have been consulted and responses are attached. It can be seen from the responses that some of the proprietors from Warwick are against the proposal and some for it. Warwick Town Council has only consulted some of the proprietors and, as a result, is also against the proposal.
- 2.17 Once the Council makes a decision to amalgamate the zones, it cannot, under the provisions of the 1985 Act, reverse the decision.

3. ALTERNATIVE OPTIONS CONSIDERED

- 3.1 No alternatives can be considered except to leave things as they are at present

4. BUDGETARY FRAMEWORK

- 4.1 This report has no budgetary considerations for the Council, except that a newspaper advertisement will be necessary if the recommendations are adopted.

5. **POLICY FRAMEWORK**

- 5.1 There will be a large environmental benefit, allowing all hackney carriages to pick up from anywhere in the district, not have to wait until they return to their designated zones.