

## **Appendix 5: Summary of Responses to countywide public consultation exercise on zoning, the control of hackney carriage numbers and colour policy**

### **A1.0 Statistics and data relating to hackney carriage and private hire trade membership currently licensed by Durham County Council (September 2010)**

- A1.1 The number of people licensed as hackney carriage and private hire trade members by the Council in mid September 2010 was 2126 persons. These people work as drivers of hackney carriage and private hire vehicles, owners or proprietors of such vehicles and as private hire operators.
- A1.2 The 2126 licensed drivers (976 hackney carriage drivers, 362 private hire and 654 jointly licensed drivers) are all licensed to drive throughout the entire County but the hackney carriage vehicles that appropriately licensed drivers use may only be used as hackney carriages in the zones in which they are licensed. Hackney carriages may also be used as private hire vehicles but not visa versa. Private hire vehicles and hackney carriages operating as private hire vehicles, licensed by the Council may operate throughout the County.
- A1.3 Current statistics for the hackney carriage and private hire licensed trade in Durham County are presented below in table 1 and in graphs 1 to 5. The numbers of licensed individuals and vehicles are categorised by type of licence and by zone. The zones are numbered from 1 to 7 and correspond to the following areas of the County. Zone licensed membership at September 2010.

Zone 1	Chester le Street area	165 members
Zone 2	Durham City area	251 members
Zone 3	Derwentside area	526 members
Zone 4	Easington area	566 members
Zone 5	Sedgefield area	256 members
Zone 6	Teesdale area	93 members
Zone 7	Wear Valley area	269 members

### **A2.0 Consultation results – licensed hackney carriage and private hire trade response.**

- A2.1 Consultation response statistics for the hackney carriage and private hire licensed trade in Durham County are presented below in tables 2, 3,4 and 5 and in graphs 6 to14(a-e) below. The numbers and in some cases the relevant percentages of licensed individuals, are categorised by type of licence and by zone. Where appropriate, percentage figures are given which serve to compare responses on specific issues (colour policy, zoning and regulation) from individuals members of the hackney carriage and private hire trade with the total number of trade members countywide; the total number of trade members in the different zones; and the numbers who responded to the issue in question, both countywide and according to zone.
- A2.2 Of the 2126 members of the hackney carriage and private hire trade licensed by the Council, a total of 154 individuals (7.24%) responded directly to the consultation on zoning, regulation of hackney carriage numbers and colour policy. From those

respondents, 154 responses related to zoning and hackney carriage number regulation the 154 also related to colour policy but included 2 'no comments'.

A2.3 The 7 hackney carriage and private hire area working groups (AWG) and the countywide working group (CWG) that were set up by the Council as forums to represent members of the licensed taxi trade operating throughout the County, also responded directly to the consultation on behalf of the trade and these group responses are also recorded below in tables 4 and 5.

### **A3.0 Consultation results - police, interested parties and the general public (non-licensed hackney carriage and private hire trade responses)**

A3.1 A total of 22 people, including members of the public and individuals either representing or associated with organisations having an interest in taxi licensing and regulation within the County, provided responses to and participated in the consultation process. From this group of 22 respondents, 15 responses related to zoning and hackney carriage number regulation and 12 also related to colour policy.

A3.2 Consultation response statistics for this grouping of respondents from Durham County are presented in Appendix 2, tables 6 and 7 and in graphs 15 and 16. (A list of all interested parties who provided a response to this consultation is given in appendix 6).

A3.3 As the total number of respondents in this grouping is low and because this grouping of mixed respondents includes people commenting on an individual basis and also those acting on behalf of a group or organisation, percentages of responses are not given or used as indicators of relative preference. For example the response from Durham Constabulary represents the corporate viewpoint of a very large, countywide organisation but their response to the individual consultation questions is numerically only counted as a single response from a single respondent. In this respect, therefore, the recorded numbers themselves give no indication of the weighting that may be attached to the responses of such organisations. (A full and in depth report, submitted to the Council by Durham Constabulary in response to the consultation process, is attached as appendix 6).

### **A4.0 Discussion and Appraisal**

In early December 2009, following a consultation process specifically involving members of the hackney carriage and private hire trade licensed by and operating within the County of Durham, 7 separate, area based working groups were established. Each one of the area working groups (AWG) is associated with one of the existing 7 zones.

These AWGs were designed to be forums for discussion and they formed a vital part of the ongoing wider consultation process. The groups themselves have no decision making role or powers. The outcomes from these meetings are passed to a countywide working group CWG that will meet at least 4 times every year on a 3 monthly basis.

Although the trade representatives at the AWGs and CWG were elected by their peers, the views they expressed and opinions they have given may not represent all members of the trade throughout the County. All licensed trade members were therefore invited to comment on these options individually as well as through the AWG forums.

#### **A4.1 Consultation responses from the individual licensed members of the hackney carriage and private hire trade - zoning options including the regulation of hackney carriage numbers.**

Out of 2126 countywide licensed trade members, 154 people in total (7.24% of the trade) responded to the consultation on zoning and regulation matters. The zones which yielded the highest responses from the total numbers of licensed HC/PH members were Chester le Street (Zone 1) and Durham City (Zone 2). In both of these zones, 17.5% of the individual members of the licensed HC/PH trade in each of these zones responded. Easington (zone 4), Sedgefield (zone 5) and Teesdale (zone 6) yielded the lowest percentage responses; 0.5%, 1.2% and 2.1% respectively.

**Option A** – 23 respondents (15%) of the 154 who responded wanted this option (see Appendix 2, graph 12b). Grouped by zone, the biggest supporter of this option was Zone 7 with 56% of the respondents from this zone preferring Option A (see in Appendix 2, graph 14a.2). The 17 'Option A' preferred responses from the zone 7 respondents equates to 74% of the total number of total of the received Option A preferred responses (see Appendix 2, graph 14a).

**Option B** – 85 respondents (55%) of the 154 who responded wanted this option (see Appendix 2, graph 12b). Grouped by zone, the biggest supporters of this option were zones 1 with 82.5% and zone 2 with 95.5% of respondents from these zones preferring Option B (see Appendix 2, graph 14b.2). The 24 and the 42 'Option B' preferred responses from zone 1 and 2 respondents, equates to 28% and 50% of the total number of total of the received 'Option B' preferred responses respectfully (see Appendix 2, graph 14b).

**Option C** – 3 respondents (2%) of the 154 who responded wanted this option (see Appendix 2, graph 12b). Grouped by zone, only 3 supporters of this option were from zones 1, 3 and 7 with 3%, 2.5% and 2% of respondents from these 3 zones preferring Option B (see Appendix 2, graph 14c.2). The 3 supporters of 'Option C' from these 3 zones each equated to 33% of the total number of the received 'Option C' preferred responses (see Appendix 2, graph 14c).

**Option D** – 0 respondents (0%) of the 154 who responded wanted this option.

**Option E** - 41 respondents (27%) of the 154 who responded wanted this option (see Appendix 2, graph 12b). Grouped by zone, the biggest supporters of this option in ascending order were zones 7, 6, 3 and 4 with 31%, 50%, 63.5% and 100% of respondents from these 4 zones, again in ascending order, preferring Option E (see Appendix 2, graph 14e.2). The supporters of 'Option E' from zones 7, 6, 3 and 4 equate to 30%, 2%, 57% and 7% of the total number of the received 'Option C' preferred responses (see Appendix 2, graph 14e).

**No Comments** - 2 respondents (1%) out of the 154 who responded made no comment in relation to these options.

#### **A4.2 Consultation responses from the individual licensed members of the hackney carriage and private hire trade - colour policy.**

**“Yes” to a colour policy** – 50 respondents (32%) of the 154 who responded wanted this option (see Appendix 2, graph 7b). Grouped by zone, the biggest supporter of this option was Zone 1 (Chester le Street) with 46% of the countywide total ‘Yes’ responses received, followed by zone 3 (Sedgefield) with 28% and zone 7 (Wear Valley) with 18% (See Appendix 2, graph 9). The supporters of a colour policy from zones 1, 3 and 7 equate to 15%, 9% and 6% respectively of the total number of the received responses (see Appendix 2, graph 7c).

From the results displayed in Appendix 2, table 8, of the 50 respondents who said “Yes” to a colour policy, 43 individuals gave their own preferences for the possible colours of either hackney carriage vehicles, private hire vehicles or both. 31 responses related to hackney carriage colours and 12 related to the colour of private hire vehicles.

The most popular colour for a hackney carriage amongst this group of respondents was white with 16 responses (52% of stated HC colour preferences) and the most popular colours for private hire vehicles were white and black with 3 responses each (25% each of stated PH colour preferences).

**“No” to a colour policy** – 102 respondents (67%) of the 154 who responded wanted this option (see Appendix 2, graph 7b). Grouped by zone, the biggest supporter of this option was zone 2 (Durham City) with 40% of the countywide total ‘No’ responses received, followed by zones 7 (26%) and 3 (22%) (See Appendix 2, graph 10). Those that did not support of a colour policy from zones 1, 7 and 3 equate to 27%, 17.5% and 14% of the total number of the received responses (see Appendix 2, graph 7d).

**“No comments” to a colour policy** - respondents (1%) of the 154 who responded gave no comment in relation to this option (see Appendix 2, graph 7b).

#### **A4.3 Consultation responses from the hackney carriage and private hire trade AWG and CWG representatives on zoning options and the regulation of hackney carriage numbers.**

Consultation response comments made and preferences expressed by members of the 7 AWGs and the CWG were recorded at AWG and CWG meetings held during the second and third phase of the consultation process.

##### **A4.3.1 The Area Working Group Responses (zoning/regulation)**

Representatives from the 7 AWGs expressed the following preferences (see Appendix 2, table 4):

**Option A** – 2 of the AWGs: zone 5 (Sedgefield) and zone 7 (Wear Valley) wanted this option. [In the case of zone 7, this AWG gave this option as one of its two, equally preferred options.]

**Option B** – 3 of the AWGs: zone 1 (Chester le Street), 2 (Durham City) 6 (Teesdale) wanted this option. 1 area, zone 5 (Sedgefield\*) wanted this option as a second choice, only if the 7 zones were kept

**Option C** – None of the AWGs wanted this option.

**Option D** - None of the AWGs wanted this option.

**Option E** – 3 of the AWGs: zone 3 (Derwentside) 4, (Easington) wanted this option. 1 AWG, zone 7 (Wear Valley) also gave this as one of its two, equally preferred options. [1 area, zone 6 (Teesdale\*) wanted this option as a second choice, only if the 7 zones were removed.]

\*Signifies that two options were put forward by the AWG depending on whether or not the 7 zones were removed or kept. In the case of zone 5 (Sedgefield) the stated preferred option of the two was Option A and in the case of zone 6 (Teesdale), the stated preferred option of the two was Option B.

Therefore, in terms of preferred options, Option B was supported by 3 of the AWGs and Option E was also supported by 3 of the AWGs. Option A, as a preference, was supported by 2 of the AWGs. In terms of what these options meant for zoning and regulation, 5 of the AWGs therefore supported options which would remove the zones and the concurrent regulation of hackney carriage numbers in Chester le Street and Durham City (Options A and E combined responses). From this perspective, 3 of the AWGs wanted to maintain the zones and the concurrent limitation of taxi numbers in zones 1 and 2.

AWGs 3, 4, 5 and 7 who, as a group together, supported Options A and E, officially represent a total of 1710 licensed hackney carriage and private hire members. AWGs 1, 2 and 6 officially represent a total of 672 licensed hackney carriage and private hire members. Using AWG member representation as an indication of option preference, nearly 72% of the countywide licensed membership supported options which would remove the zones and the concurrent regulation of hackney carriage numbers in Chester le Street and Durham City (Options A and E combined responses).

In addition to the removal of the zones, those 3 AWGs that supported Option E were however, supporting the option that would involve the possible regulation of hackney carriage numbers throughout the whole of the County, should a survey of demand be undertaken which, reported there to be no significant unmet demand throughout the entire County.

#### **A4.3.2 The County Working Group Responses (zoning/regulation)**

Representatives from the 7 AWGs who attended the CWG expressed the following preferences (see Appendix 2, table 5):

**Option A** – Two members of the CWG gave option A as their preference.

**Option B** - Two members of the CWG gave option B as their preference.

**Option C** – No members of the CWG gave option C as their preference.

**Option D** - No members of the CWG gave option C as their preference.

**Option A or E** – Two members of the CWG gave either Option A or E as their preferences.

**Option B or E** – Two members of the CWG gave either Option B or E as their preferences.

Therefore, CWG members gave Options A and B as being their most preferred options with Option E also receiving support from two of the CWG members. By grouping together the supporters of Option A with the support for option E, the CWG had more members who supported the removal of the zones than those who wanted to retain them.

In relation to the question of the existence of the 7 zones, 4 CWG members wanted the removal of the zones and 3 CWG members wanted to retain them.

In relation to the question of the regulation of hackney carriage numbers, 6 CWG members favoured regulation either within the existing zones 1 and 2 or on a countywide basis should a survey of demand be undertaken which, reported there to be no significant unmet demand throughout the entire County.

#### **A4.4 Consultation responses from the hackney carriage and private hire trade AWGs and CWG representatives on colour policy.**

##### **A4.4.1 Area Working Group Responses (colour policy)**

Representatives from the 7 AWGs expressed the following preferences (see Appendix 2, table 4):

**“Yes” to a colour policy** – AWG representatives from two areas, Zones 1 (Chester le Street) and 7 (Wear Valley) said “yes” to a colour policy.

**“No” to a colour policy** – AWG representatives from three areas, zones 2 (Durham City), 3 (Derwentside) and 4 (Easington) said “No” to a colour policy.

**Undecided/unclear response** - AWG representatives from two areas, zones 5 (Sedgefield) and 6 (Teesdale) were unable to express a single or clear

preference on behalf of the members of the AWGs that they represented. (See also paragraph 28 of the main report).

#### **A4.4.2 The County Working Group Responses (colour policy)**

The 7 Representatives from the AWGs who attended the CWG expressed the following preferences (see Appendix 2, table 5):

**“Yes” to a colour policy** – Two members of the CWG said “Yes” to a colour policy

**“No” to a colour policy** – Three members of the CWG said “No” to a colour policy.

**Undecided/unclear response** – Two members of the CWG were unable to express a single or clear preference on behalf of the two AWGs that they represented.

**Note:** Comments were received from both AWG and CWG representatives to the effect that if a colour policy was introduced, despite their opposition to such a policy, they would expect that the vehicle colour requirements would not be brought in immediately but would be phased in over an appropriate time scale e.g. that existing vehicles of whatever colour would continue to be able to be licensed until they were changed by their owners and the colour policy would then be adopted on renewal of such vehicles.

#### **A4.5 Consultation responses from the general public - zoning options including the regulation of hackney carriage numbers.**

It is not possible to state whether or not the respondents in this grouping had any affiliation to the licensed hackney carriage or private hire trade; however they had not identified themselves as being so affiliated in their survey responses.

The total number of responses from individual members of the general public to the taxi consultation was only 8. This number if it were expressed as a percentage of the entire resident and working population of the County would be incredibly small.

From the 8 respondents, 4 favoured Option A (the removal of the 7 zones and the removal of limitations on hackney carriage numbers); 3 favoured Option E (the removal of the zones together with the possibility of the regulation of hackney carriage numbers throughout the County); and 1 person favoured Option B (maintaining the zones and the existing limitations in two of them *subject to future demand survey results*). In spite of the small number of responses, the clear majority (7 out of the 8 respondents) favoured the removal of the existing zones (Options A and E).

#### **A4.6 Consultation responses from the general public - colour policy.**

Again, it must be emphasised the number of responses from the general public in relation to the issue of taxi colour policy was particularly small. 8 people commented on this aspect of the consultation. 5 respondents said “yes” to the imposition by the Council of a taxi colour policy, 1 said “no” and 2 respondents to the survey made no comments on this matter.

None of the 5 respondents who said “yes” to a colour policy expressed any preference as to the hackney carriage or private hire vehicle colour(s) that they considered should be associated with such a policy.

**A4.7 Consultation responses from ‘interested parties’ - zoning options including the regulation of hackney carriage numbers.**

The grouping of responses from people outside the licensed hackney carriage and private hire trade, in addition to individual members of the general public, contained respondents associated with particular organisations. These respondents, excluding Durham Constabulary, numbered 13 in total.

Of the 15 respondents categorised as ‘interested parties’ for the purposes of this consultation report, 13 individuals responded in respect of the zoning options. Responses from 9 individuals categorised as interested parties (non DCC) were from organisations external to Durham County Council and 4 were from or associated directly with Durham County Council. These 4 are categorised as interested parties (DCC). (See appendix iv).

In relation to the 9 interested parties (non DCC), 3 favoured Option A, 1 Option B, 1 Option C and 4 gave no preference or made no comment in relation to zoning and the regulation of hackney carriage numbers. Therefore, 3 preferred to see the zones removed, 2 expressed the opinion that the zones should be kept, but only 1 respondent favoured the retention of the current limitations on hackney carriage numbers.

The 4 interested parties (DCC) who responded expressed their preferences as follows: 2 agreed with Option A favouring the removal of the existing zones and associated restrictions and 2 agreed with Option B to maintain the status quo.

**A4.8 Consultation responses from ‘interested parties’ - colour policy.**

Of the total of 15 interested party respondents, 13 people responded in respect of the colour policy responses. 7 individuals who responded were categorised as interested parties (non DCC) and 6 were from or associated directly with Durham County Council, these 6 being categorised as interested parties (DCC).

2 of the 7 interested parties (Non DCC) favoured a colour policy but no colour preferences were put forward. The remaining 5 made no comment either way in relation to the imposition of a taxi colour policy.

The 6 interested parties (DCC) individuals responded as follows: 3 favoured a colour policy, 2 made no comments and 1 considered that a colour policy should not be imposed.

**A4.9 Consultation responses from Durham Constabulary - zoning options including the regulation of hackney carriage numbers.**

The police consultation response report is attached in appendix 6. This document was supplied by Durham Constabulary to Durham County Council on the 7<sup>th</sup> May 2010. This report is the official police contribution to the countywide taxi consultation process and contains the views, opinions and observations of the Local Constabulary. The following is an extract from the report which is the summary of their findings on the subject of zoning and the limitation of Hackney carriage numbers:

*“Durham Police recommend the removal of the 7 taxi zones and the implementation of one singular taxi zone allowing for the sharing of hackney carriages on all hackney ranks across the county. It is our firm belief that should this take place then there would be a dramatic impact on the reduction of crime and disorder within the City Centre. Should the implementation of a single zone take place then it would be expected that there would be a flood of taxis into the city however it is perceived that this influx would only be for a short time and like water the number of city taxis would ultimately find their level”.*

#### **A4.10 Consultation responses from Durham Constabulary - colour policy.**

Durham Constabulary has made no response in relation to the issue of taxi colour policy.

#### **A4.11 Central Government information, advice and recommendations**

##### **The Equality Act 2010 and the regulation of hackney carriage numbers within Council areas and in zones existing within Council areas.**

Since the Transport Act 1985 it has been possible for licensing authorities in England and Wales (outside of London) to refuse a taxi licence application if they are satisfied that there is no significant unmet demand for taxis in their licensing area.

Section 161 of the Equality Act 2010 qualifies the law in this area, to ensure licensing authorities that have relatively few wheelchair accessible taxis operating in their area, do not refuse licences to such vehicles for the purposes of controlling taxi numbers.

For section 161 to have effect, the Secretary of State must make regulations specifying:

- the proportion of wheelchair accessible taxis that must operate in an area before the respective licensing authority is lawfully able to refuse to license such a vehicle on the grounds of controlling taxi numbers; and
- the dimensions of a wheelchair that a wheelchair accessible vehicle must be capable of carrying in order for it to fall within this provision.

The DfT plans to consult on the content of regulations before section 161 comes in to force; the actual date will be announced in due course, but it will not be before April 2011.

##### **The Department for Transport and the Office of Fair Trading information on the regulation of hackney carriage numbers within Council areas and in zones existing within Council areas.**

The Department for Transport advised the Council in September 2009 that it remains the Department's view (as set out in the Department's response to the Office of Fair Trading

report in 2004 and the Best Practice Guidance in 2006) that a limit on taxi numbers is unlikely to be in the best interest of consumers.

However, Ministers have stated that they recognise that local licensing authorities are in the best position to determine whether taxi numbers should be limited and section 16 of the Transport Act 1985 remains the statutory means by which they can limit numbers if they so choose.

As a result of the 1985 Act, a Council can only refuse an application for a hackney carriage licence in order to limit numbers within its area or within a specified zone within its area, only if the Council is satisfied that there is no significant unmet demand for hackney carriage services within the area or zone to which the licence will apply. This does not mean that a Council must or indeed should limit hackney carriage numbers if they are satisfied that there is no demand for anymore vehicles within their area or a zone within their area but acts to prevent Councils from restricting numbers of hackney carriages for any other reason.

The Office of Fair Trading considers that quantity regulation which limits the number of taxis, reduces availability and lowers the quality of service to the public. In the OFT's opinion, which was expressed in two separate reports published in 2003 and 2007, these restrictions should therefore be lifted by the local authorities that have imposed such restrictions.

The OFT study that led to its 2003 report identified a number of benefits to consumers that should flow from adoption of its recommendations. Specifically, the OFT believes that acting on their recommendations in respect of removing quantity restrictions would benefit consumers by:

- Putting more taxis on the road – removing quantity restrictions could increase the number of taxis in affected areas by 30 per cent.
- Making journeys safer – removing quantity restrictions and increasing the number of licensed taxis will reduce the need for illegal taxis where neither the driver or vehicle have been subject to appropriate quality and safety checks. In 2006 around 1.8 million people used an illegal taxi, exposing themselves to potentially serious safety risks.
- Reducing passenger waiting times – removing quantity restrictions will save an overall 2.5 million hours across the UK
- Creating more choice – removing quantity restrictions could put an extra 15,000 taxis on the road. This will substantially increase peoples' choice of transport modes when deciding how to reach their destination.

### **The Department for Transport and Vehicle Identification and Colour Policies**

A colour policy exists where the Council imposes a standard colour for either hackney carriages or private hire vehicles or for both. Colour policies are used by some authorities to distinguish between hackney carriages and private hire vehicles. Some

Councils do not have colour policies for taxis. Some policies involve the use single colours and some have multiple colours in their policies.

A Council can require any hackney carriage licensed by them under the Town and Police Clauses Act 1847 Act to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage. In a similar way, under the Local Government (Miscellaneous Provisions) Act 1976, a Council can require private hire vehicles not to be of such a design and appearance as to lead the public to believe that it is a hackney carriage.

In order to assist the public in recognising a Hackney Carriage that has been licensed by the Authority such vehicles may therefore be required by license conditions to conform to a specified colour policy. This may assist in the promotion of public safety by helping to reduce the possibility of customers getting into unlicensed vehicles or getting in to private hire vehicles that are unlawfully plying for hire in the street or from a taxi rank.

Of secondary consideration, the adoption of a colour policy would, in addition to the main public safety purposes, provide a readily identifiable 'Durham Countywide Taxi Fleet'. Two of the former District Councils had adopted a colour policy and white was the colour chosen by the former District authorities. This colour was chosen at the time as it had been considered that there were generally fewer white non-commercial vehicles on the road. Another consideration that had led towards white being chosen was that with white, the issue of colour shading was thought not to be as prevalent as with other car colours.

Arguably, the need to specify the colour of hackney carriages and private hire vehicles is not so great when such licensed vehicles may be easily identified as such in other ways with the appropriate use of decals, roundels, top signs, for hire signs etc. In the Department for Transport publication '*Taxi and Private Hire Licensing Best Practice Guidance*' DfT February 2010, reasons for and means of vehicle identification are addressed.

The colour of a vehicle is not specifically mentioned however as a means of identification which is considered to equate to best practice although the publication does say in the section on vehicle identification that in addition to the display of licence plates and discs on vehicles "...requiring some additional clearer form of identification can be seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver; and secondly because it is quite reasonable, and in the interests of the traveling public, for a PHV operator to be able to state on the vehicle the contact details for hiring;". The use of colour policies is not referred to however and some degree of interpretation or extrapolation may be thought necessary if this section were to be used to give justification to a colour policy in terms of perceived best practice.

## **A5 Conclusions**

### **A5.1 Hackney carriage and private hire licensed trade individual consultation response (Zoning/Regulation)**

A5.1.1 The overall, countywide response to the consultation process by individual members of the licensed hackney carriage and private hire trade was low (7.24 %).

A5.1.2 Grouped by their zone, a much greater percentage of licensed individuals from three zones (1 - Chester le Street 18%, 2 - Durham City 18% and 7 - Wear Valley 14%) responded to the survey.

A5.1.3 The two zones which yielded the greatest percentages of individual licensed hackney carriage and private hire respondents (1 – Chester le Street and 2 – Durham City) are the zones which are currently subject to the regulation/limitation of hackney carriage numbers.

A5.1.4 Zoning/Regulation 'Option B', maintenance of the status quo, was the preference of more individual respondents than any other preferred option (55% of those who responded individually preferred option B).

A5.1.5 Grouped by zone, the biggest supporters of this option were zones 1 (Chester le Street) with 82.5% and zone 2 (Durham City) with 95.5% of respondents from these two zones expressing a preference for Option B.

## **A5.2 Hackney carriage and private hire licensed trade, group (AWG and CWG) consultation response (Zoning/Regulation).**

A5.2.1 Option B was supported by 3 of the AWGs and Option E was also supported by 3 of the AWGs. Option A, as a preference, was supported by 2 of the AWGs.

A5.2.2 5 of the 7 AWGs therefore supported options which would remove the zones and the concurrent regulation of hackney carriage numbers in Chester le Street and Durham City (Options A and E combined responses).

A5.2.3 CWG members gave Options A and B as being their most preferred options with Option E also receiving support from two of the CWG members.

A5.2.4 By grouping together the supporters of Option A with the support for option E, the CWG had more members who supported the removal of the zones than those who wanted to retain them.

A5.2.5 In relation to the question of the existence of the 7 zones, 4 CWG members wanted the removal of the zones and 3 CWG members wanted to retain them.

A5.2.6 In relation to the question of the regulation of hackney carriage numbers, 6 CWG members favoured regulation either within the existing zones 1 and 2 or on a countywide basis should a survey of demand be undertaken which, reported there to be no significant unmet demand throughout the entire County.

A5.2.7 Using AWG member representation as an indication of option preference, nearly 72% of the countywide licensed membership supported options which would remove the zones and the concurrent regulation of hackney carriage numbers in Chester le Street and Durham City (Options A and E combined responses).

**A5.3 Hackney carriage and private hire licensed trade, individual consultation response (Colour Policy).**

A5.3.1 32% of the 154 individual licensed hackney carriage and private hire respondents who responded wanted a colour policy.

A5.3.2 Two of the three zones which yielded the greatest percentages of individual licensed hackney carriage and private hire respondents (1 - Chester le Street and 7 – Wear Valley) are the zones which previously, under the control of the former District Councils, were subject to a colour policy.

A5.3.3 The most popular colour for a hackney carriage amongst this group of respondents was white with 16 responses (52% of stated HC colour preferences) and the most popular colours for private hire vehicles were white and black with 3 responses each (25% each of stated PH colour preferences).

A5.3.4 67% of the 154 who individual licensed hackney carriage and private hire respondents responded did not want a colour policy.

A5.3.5 The zone which yielded the greatest percentage of individual licensed hackney carriage and private hire respondents in opposition to a colour policy was zone 2 (Durham City) with 40% of the countywide total 'No' responses received.

**A5.4 Hackney carriage and private hire licensed trade, group (AWG and CWG) consultation response (Colour Policy).**

A5.4.1 AWG representatives from two areas, Zones 1(Chester le Street) and 7 (Wear Valley) said "yes" to a colour policy. AWG representatives from three areas, zones 2 (Durham City), 3 (Derwentside) and 4 (Easington) said "No" to a colour policy.

A5.4.2 Two members of the CWG said "Yes" to a colour policy and three members of the CWG said "No" to a colour policy.

**A5.5 The public, interested parties and the police consultation responses (Zoning/Regulation).**

A5.5.1 13 individuals representing or associated with interested parties responded in respect of the zoning options.

A5.5.2 From the interested parties (non DCC) group, 3 favoured Option A, 1 Option B and 1 Option C. Therefore, 3 preferred to see the zones removed, 2 expressed the opinion that the zones should be kept, but only 1 respondent favoured the retention of the current limitations on hackney carriage numbers.

A5.5.3 The 4 interested parties (DCC) who responded expressed their preferences as follows: 2 agreed with Option A favouring the removal of the existing zones and associated restrictions and 2 agreed with Option B to maintain the status quo.

A5.5.4 Durham Constabulary recommend the removal of the 7 taxi zones and the implementation of one single taxi zone with the concurrent removal of the limitations on hackney carriage numbers in the Durham City and Chester le Street zones.

#### **A5.6 The public, interested parties and the police consultation responses (Colour policy).**

A5.6.1 The number of responses from the general public in relation to the issue of taxi colour policy was particularly small.

A5.6.2 Out of the 8 members of the general public commented, 5 respondents said “yes” to the imposition by the Council of a taxi colour policy and 1 said “no”.

A5.6.3 13 interested party respondents commented in respect of colour policy.

A5.6.4 2 out of a group of 7 interested parties (Non DCC) favoured a colour policy but no colour preferences were put forward.

A5.6.5 Of the 6 interested parties (DCC) representatives who responded and expressed a preference, 3 favoured a colour policy and 1 considered that a colour policy should not be imposed.

A5.6.6 Durham Constabulary made no comments in relation to colour policy.

#### **A5.7 The position of governmental organisations**

A5.7.1 The Department for Transport advises that a limit on taxi numbers is unlikely to be in the best interest of consumers. They do however recognise that local licensing authorities are in the best position to determine whether taxi numbers should be limited.

A5.7.2 The Office of Fair Trading considers that quantity regulation which limits the number of taxis and reduces availability and lowers the quality of service to the public.

A5.7.3 Department for Transport hackney carriage and private hire licensing best practice guidance does not refer to colour policies. Vehicle identification by colour is not addressed and the colour of a licensed vehicle is not specifically mentioned in the guidance as a means of identification that is considered to equate to best practice

#### **A6 Options**

A6.1 Zoning and the Regulation of Hackney Carriage Numbers within Zones – should the existing zones be kept or should they be removed and should the existing regulation of hackney carriage numbers be maintained or ended; and/or should the regulation of hackney carriage numbers in the other zone(s) be considered? **(Options A to E).**

A6.2 Zoning and the regulation of hackney carriage numbers – if the existing zones are kept, should the Council continue to seek to regulate the numbers of hackney carriages in zone 1 (Chester le street) and in zone 2 (Durham City)?

A6.3 To do this would require regular (at least every three years) independent hackney carriage demand surveys to be undertaken in these two zones in order to assess the level of demand/unmet demand followed by the regulation of numbers should these surveys show no significant unmet demand in existence. **(Option B)**

A6.4 Zoning and the regulation of hackney carriage numbers - if the existing zones are kept, should the Council continue to seek to regulate the numbers of hackney carriages in zone 1 (Chester le street) and in zone 2 (Durham City) and also resolve to undertake further surveys into the demand for hackney carriages in the other five zones with a view to regulating hackney carriage numbers in all zones?

A6.5 To do this would require regular (at least every three years) independent hackney carriage demand surveys to be undertaken in all zones in order to assess the level of demand/unmet demand followed by the regulation of numbers should these surveys show no significant unmet demand in existence. **(Option D)**.

A6.6 Zoning and the regulation of hackney carriage numbers - if the existing zones are kept, should the Council resolve to remove all imposed limitations on hackney carriage numbers in zones 1 and 2; and also resolve not to carry out any more demand surveys in which would be needed if the future regulation of hackney carriage numbers in any of the zones were to be considered? **(Option C)**.

A6.7 Zoning and the regulation of hackney carriage numbers – should the Council resolve to remove the existing zones and concurrent limitations on hackney carriage numbers in zones 1 and 2 and; resolve not to regulate hackney carriage numbers anywhere within the administrative area of Durham County Council? **(Option A)**.

A6.8 Removal of the zones and the deregulation of hackney carriage numbers - It is recommended that if a resolution is made to remove the zones, that the date for this to occur be set at an appropriate date and time in the future to enable the prescribed process to be followed:

A6.9 If Members of Full Council do decide to abolish the existing 7 zones, the Council will have to pass an extension resolution under the Local Government Act 1972, Schedule 14, Part 2, Para 25 which, is to abolish the zones and apply hackney carriage licensing uniformly throughout County Durham.

A local authority may after giving the requisite notice resolve that any of the enactments mentioned in paragraph 24 above shall apply throughout their area or shall cease to apply throughout their area (whether or not, in either case, the enactment applies only to part of their area).

In order to propose the resolution Council will need to give notice in accordance with paragraph 25(5), which is:

The notice which is requisite for a resolution given under sub-paragraph (1) above and is a notice that is:

(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.

A6.10 A sufficient lead in period would be necessary to enable the Council to revise its administrative systems and procedures in order to adapt to the countywide changes in hackney carriage regulation including the unification of fees and charges and in conjunction with the trade, the setting of new countywide hackney carriage tariffs and; most importantly, to enable existing and future members of the licensed hackney carriage and private hire trade in the County to plan for and adapt to any changes that may affect their business activities that may result from such changes.

**A6.11 Colour Policy** – should the Council adopt a colour policy with respect to hackney carriages and private hire vehicles licensed by the Authority?

A6.12 Colour policy – should the Council resolve to adopt such a colour policy, what is the colour policy that hackney carriages and private hire vehicles licensed by the Authority be subject to?

A6.13 Colour policy - should the Council resolve to adopt such a colour policy, how and when would that policy be implemented and over what time scale?

A6.14 It is recommended that if a colour policy is adopted that the date for its implementation be set at an appropriate date and time in the future and that following this date, all newly licensed vehicles will be subject to the policy but the adoption process should be a gradual one for existing licensed vehicles, allowing their owners to adapt to the changes over time.

A6.15 A sufficient lead in period would be necessary to enable the owners of existing licensed vehicles of any colour to continue to operate their vehicles until such time as they change their vehicles, at which time the policy on colour would be implemented in respect of the new or replacement vehicle. In this manner, the financial burden on existing licensed vehicle owners would be minimised.

