



Neighbourhood Services

Environment, Health and Consumer Protection

Public Safety (Licensing Services Section)

PUBLIC CONSULTATION ON TAXI LICENSING POLICY AND REGULATION

**BRIEFING PAPER ON HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLE REGULATION IN COUNTY DURHAM
(ZONES, THE REGULATION OF HACKNEY CARRIAGE VEHICLE NUMBERS AND COLOUR POLICY)**

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1.0 INTRODUCTION

- 1.1 This briefing paper forms one part of the overall consultation and appraisal process associated with Hackney Carriage and private Hire vehicle regulation in the County of Durham. The overall consultation and appraisal process aims to bring together relevant information concerning a number of important issues associated with the regulated operation of Hackney Carriages and Private Hire vehicles within the County of Durham. Specifically, the issues of zoning, colour policy and the control of taxi numbers are major subjects for consideration. It is these three important issues that are mainly covered in this paper.
- 1.2 Every attempt has been made to ensure that the information provided in this briefing document is accurate and factual. A balanced approach has been taken in the production of this paper and care has been taken to ensure that all known relevant and significant matters are included. The consultation and appraisal process as a whole has been designed to be both open and transparent. The Licensing Authority welcomes your ideas, thoughts and suggestions in relation to any aspects of the consultation and appraisal process. If you would like to comment on this briefing paper or any matters associated with the consultation and appraisal process as a whole, please contact us. Our contact details are given at the end of this document.

2.0 Zoning

- 2.1 The licensing of taxis is complex and involves the application of a substantial amount of legislation and case law, some of which dates back to 1847. The effect of this regulation is to require any vehicle which is to be used as a taxi, to be licensed by the licensing authority, either as a hackney carriage or as a private hire vehicle. The difference between a hackney carriage and a private hire vehicle is detailed in the glossary at the end of this paper. Prior to the 1st April 2009, when the County of Durham was divided into 7 District Council areas, hackney carriages were licensed by the 7 District Councils. Each District had its own taxi policy which related to matters such as vehicle, driver and operator licence conditions, fees and charges and taxi fares etc. With the coming together and merging of the former Durham District Authorities with the County Council, a new, single Council was formed.
- 2.2 In order to provide the general overriding principles against which the licence conditions can be set, the new Durham County Council (the Licensing Authority) adopted a single taxi policy, which includes appropriate licensing conditions. The policy provides guidance for members when making taxi related decisions, informs the trade of the operating standards with which they are expected to comply and informs the public of the service that they can expect from the taxi trade.
- 2.3 From 1st April 2009, hackney carriage vehicles continued to be licensed only to operate as such within the zone in which their license was granted – i.e. in one of the areas of the previous District Councils. Council members had to make a decision on

whether taxis should continue to operate in 7 zones (corresponding to the original District Council boundaries) or as 1 single zone covering the entire geographical area of County Durham.

- 2.4 The decision had been taken by the new Authority to initially maintain the status quo in relation to the zones but to harmonise licence conditions across all 7 zones by adopting one single policy. Transitional arrangements were put in place allowing for the situation where there would initially be differing licence conditions applying across the 7 zones for a period of time to give drivers and operators time to adapt to the various changes resulting from the new policy and associated conditions. In this manner the process afforded some means of protection to those who were involved in the taxi trade, whilst ensuring that the transition to the standard adopted by the Licensing Authority was managed in an orderly fashion for the benefit of the public.
- 2.5 The initial decision to maintain the status quo was influenced by a number of important factors: It was accepted by the Authority that the situation relating to zoning was both complex and emotive in nature and may have important consequences for the trade, the travelling public and for the local authority. A decision to change the zoning arrangements could therefore not be taken lightly or without full consideration of all of the various associated issues. Most importantly, in order to allow for the appropriate long term taxi licensing policy and arrangements to be put in place, the Council accepted that it would need to carry out extensive consultation in order to make a proper decision on zoning arrangements. The time was not available to carry out such a detailed study and consultation exercise prior to the vesting day for the new authority.
- 2.6 Having outlined the nature of zoning and circumstances that resulted in the current situation within County of Durham the possible ramifications resulting both directly or indirectly from either keeping or changing the current zoning arrangements are set out below. However, before concentrating on the possible advantages and disadvantages of zoning arrangements and the various options available, the subject of taxi quantity regulation must be highlighted. This particular issue is inextricably linked to the zoning situation.
- 2.7 Two of the former District Councils, Durham City Council and Chester-le-Street District Council had, by regulation (the Transport Act 1984), limited the number of hackney carriage vehicle licenses that were available to the taxi trade. 74 in Durham City and 92 in the Case of Chester-le-Street District Council. These limitations had been imposed following detailed surveys that had established at the time of the survey that there was no unmet demand for hackney carriages within the area of these two former District Councils. The limitations on available vehicle licences are directly associated with the existence of the zones in which the restrictions apply. Removal of a zone would have the effect of removing any associated limitations on taxi licence numbers. In this context, the removal of the limitations of taxi numbers is known as deregulation. Within the County of Durham, there are currently approximately 950 Hackney Carriages, 550 Private Hire vehicles and 2500 drivers licensed by the Council.

3.0 Zoning Options

There are five main options available for dealing with the issue of zoning that are available to the Council:

- A. Removal of the 7 zones with the simultaneous removal of all limits on hackney carriage numbers throughout the County of Durham.
- B. Retain the status quo, with seven zones, two of which are regulated (limitation of hackney carriage vehicle numbers in Chester le Street and Durham City zones).
- C. Maintain the zones with no limitations on numbers of hackney carriages.
- D. Maintain the zones and undertake further demand surveys in all zones.
- E. Removal of the 7 zones with the simultaneous removal of all limitations on hackney carriage numbers in the Chester le street and Durham City zones; and then to undertake a demand survey for the whole of the County of Durham.

Each one of these five options has associated with it various positives or advantages and negatives or disadvantages for the public, the trade, the Council and several other and interested parties. Some of these pros and cons are outlined below. It is important to note however that what may be perceived as an advantage for one party may be thought of as disadvantageous to others. These lists are not exhaustive and there may well be other pros and cons associated with any one or more of these options that are either not known or predictable at the present time.

3.1 Removal of the 7 zones and removal of all limits on hackney carriage numbers throughout the County of Durham i.e. the creation of a single zone and removal of all current restrictions on hackney carriage numbers - [OPTION A](#)

De-zoning the whole County area and removing limitations could prove to be the most straight forward, simple and cost effective method of administration for Hackney Carriage licensing. Any significant savings that might result from such changes would then be reflected in licensing fees and charges. Under this system, there would be a greater consistency in terms of licensing conditions/restrictions and hackney carriage fares or tariffs throughout the County would be the same. The enforcement of taxi licensing conditions and legislation would be simplified and made easier. This option could have the biggest impact upon the taxi trade as it currently stands, especially in the two existing zones that currently have regulated numbers of hackney carriages in them. De-zoning and deregulation may have a positive affect in terms the service made available to the public in these two zones as more taxis may be available at peak times. A decision to de-zone and de-limit could be subject to Judicial Review by those who could be negatively affected by the decision.

3.1.1 Some possible advantages and positive attributes associated with option A - a single zone, unregulated in terms of hackney carriage numbers.

- The Office of fair Trading considers this approach to conform to best practice.
- The Department of Transport also consider the one zone approach to be the best practice.
- Potentially could lead to greater availability of hackney carriage vehicles in some busy areas at peak times.
- Could result in fewer or shorter taxi queues in some busy areas at peak times.
- Could lead to reduced waiting times for customers in some busy areas at peak times.
- May be beneficial to hackney carriage owners and drivers who are currently excluded from operating as such outside their current zones.
- There would be no waiting list for hackney carriage vehicle licences as is currently the case in the existing Chester le Street and Durham City zones.
- Could result in increased in revenue for the Council from potentially more hackney carriage vehicles and drivers entering the trade from outside the County. Any increase in such revenue would be used to maintain and improve the provision of licensing services.
- This option could encourage new drivers and vehicle owners to enter the trade and provide new employment opportunities.
- It would provide greater freedom and the ability for hackney carriage trade members to operate throughout the County area as opposed to just one zoned area.
- There is the potential for an increase in income for some members of the hackney carriage trade as a result of a lifting of restrictions.
- The system would be beneficial to enforcement regime.
- This option could support crime and disorder reduction by assisting in the efficient transport of pedestrians in town and city centres and help promote the safe night time economy.

- By removing limitations and restrictions and making it easier for new drivers and vehicles to be licensed in currently controlled zones, this option could reduce the number of unlicensed drivers and vehicles. This would also support public protection and public safety measures.
- One set of hackney carriage fares or tariffs would give a greater degree of uniformity for the travelling public in County Durham.
- There could be some reduction in officer workload particularly in administration but also in terms of enforcement.
- This option would remove some existing confusion and complexity. It would provide a simplified and more a uniform system of hackney carriage licensing.

3.1.2 Some possible disadvantages and negative attributes associated with option A - a single zone, unregulated in terms of hackney carriage numbers.

- There may well be insufficient provision for taxi ranks in some busy, high demand areas at peak times.
- There is the Potential for increased traffic movements and congestion in busy town and city centre areas especially during periods of high demand at peak times. This could lead to increases in road traffic pollution at certain times.
- Option 1 could be detrimental to the business interests of some existing members of the hackney carriage trade operating in the currently regulated and controlled Chester le Street and Durham City zones. The ability of taxis from outside existing zones to operate throughout the County and for new people and vehicles to enter the trade in previously restricted and controlled areas, could lead to a reduction in available work and income for some existing trade members. The imposition of unrestricted hackney carriage trade and changes to both supply and to demand for hackney carriage services could have a significant impact on existing trade members in the Chester le Street and Durham City zones.
- The imposition of a single set of hackney carriage tariffs throughout the County could be damaging to the income of some existing members of the hackney carriage trade. Current tariffs reflect the nature of hackney carriage movements and usage associated with service user patterns within the existing zones. A single set of tariffs would to some extent alter the incomes of hackney drivers and proprietors and they may not properly align with service usage across all parts of the county. (Taxis in city centres characteristically make more frequent but shorter journeys whilst out of town and city cabs may make fewer but longer passenger journeys. Current zone related tariffs do take account of these differences to some degree).

3.2 Retain the status quo, with seven zones, two of which are regulated and maintain the existing limitation on hackney carriage vehicle numbers i.e. the maintenance of a multi-zone system and limitations on taxi numbers in the Durham City and Chester-le-Street zones - [OPTION B](#)

This option requires the least effort on the part of the new authority in the short term. Over the longer term however it would prove costly due to the need to administer the different licensing regimes and to maintain the regulation of taxi numbers regular, expensive, independent surveys of user demand for taxi services must be carried out. This option may also be perceived to be anomalous with the provision of other services which affect the public in the County, as the boundaries of the zones will remain as the administrative areas for the dissolved district councils.

3.2.1 Some possible advantages and positive attributes associated with maintaining a multi-zone system and continuation of the regulated limitations of hackney carriage numbers in the Durham City and Chester le Street zones.

- Choosing this particular option would maintains the status quo
- Potentially, this option could help in the reduction or control of traffic congestion by controlling numbers of hackney carriage vehicles in some busy areas at peak times. This may help to prevent increases in road traffic pollution as well.
- The necessity for extra Taxi ranks would be lessened, as the number of such facilities could, more justifiably, be maintained as is current. Increases in Hackney carriage numbers operating in towns and city areas would require a review and assessment of taxi rank provision which, may lead to an identifiable need for more ranks in certain areas.
- In the short term there would be a reduced officer workload in the administration of taxi licensing in comparison to any other option which changes the current situation and which would inevitably lead to some changes in the management of taxi licensing services hence changes to and increases in workload.
- Option B would continue to provide a certain degree of business or trade protection to existing hackney carriage trade members operating in the individual zones. Arguably this would give greater benefit to those trade members who are associated with the two regulated zones.
- Maintenance of the zones and continuation of the limitation of numbers of hackney carriage vehicles in Durham and Chester le Street areas would necessitate future, regular surveys of unmet demand. Irrespective of the costs involved in such exercises, the results may provide a good indication of demand for taxi services in those zones and the numbers of hackney carriage vehicles allowed to operate could therefore reflect the needs of the travelling public in those zones.

3.2.2 Some possible disadvantages and negative attributes associated with maintaining a multi-zone system and continuation of the regulated limitations of hackney carriage numbers in the Durham City and Chester le Street zones.

- Arguably, this option has some effect in terms of reducing choice for consumers (taxi service users) in controlled or regulated areas, especially in some busy areas at peak times.
- By a similar process, the status quo reduces trade and business choices and options available to all existing hackney carriage trade members by preventing their ability to operate freely as hackney carriages throughout the County.
- This option will continue to restrict those potential members of the hackney carriage trade who may want to set up business in the zones that have limitations on hackney carriage vehicle licence numbers.
- This option does restrict open competition and prevents free market conditions in relation to hackney carriage trade and business activities, especially in the Chester le Street and Durham City areas of the County.
- Limitation of hackney carriages could lead to insufficient taxi numbers in some locations at certain times. In some busy areas at peak times the balance of supply against demand could be disadvantageous to the service users.
- There is a greater potential for higher or increased levels of enforcement activities to control errant hackney carriage drivers who may seek to flout the zoning requirements and carry out hackney carriage activities outside the zones in which they are so licensed.
- The administration system is more complex in comparison to what would be required under option A, involving the use of a multi-plating identity system and other differences in hackney carriage vehicle identification methods. Such differences are necessary to match the vehicles to the zones in which they are licensed.
- Under the current economic climate, there is a potential negative impact on existing businesses who may be unable to expand their operations and access new markets as they are restricted in their operations by both the zoning arrangements and the associated limitations on available vehicle licences in two areas of the County.
- Anecdotally, there currently exists a certain level of confusion or a lack of understanding amongst the public and the trade in relation to the current operation of hackney carriage zones and the restriction of hackney carriage licence numbers.
- There is a continuing risk of applications being made for a Hackney Carriage license and, when refused, appealed to the Crown Court.

3.3 Maintain the zones but with no limitations on numbers of hackney carriages i.e. the maintenance of a multi-zone system and the removal of limitations on hackney carriage numbers in the Durham City and Chester le Street zones - [OPTION C](#)

This option if chosen might produce some of the advantages and the disadvantages associated with the removal of the regulation of hackney carriage vehicle numbers outlined in option A along with some of the possible pros and cons associated with maintaining the 7 zones highlighted in option B. However, because zoning and the regulation of numbers are to some degree inextricably linked, it is also conceivable that the nature extent of any possible advantages and disadvantages stemming from this option could be somewhat different when compared to those which may result from either option A or B. It should be noted that although a rigorous demand survey is always required in order to enable an Authority to limit or to maintain limitations in respect of hackney carriage numbers in a given zone, no such survey would be required in order to remove any existing limitations. Any decision to de-limit numbers could be subject to Judicial Review by those most affected by the decision to de-limit numbers (i.e. those who have hackney carriages currently licensed in Durham and Chester-le-Street).

3.3.1 Possible advantages and positive attributes associated with a multi-zone system and the removal of limitations on hackney carriage numbers in the Durham City and Chester le Street zones.

See 4.3.1 above (*some possible advantages and positive attributes associated with option A - a single zone, unregulated in terms of hackney carriage numbers – associated with option A*) for those identified pros possibly associated with the removal of limitations on hackney carriage numbers.

See also 4.4.1 above (*some possible advantages and positive attributes associated with maintaining a multi-zone system and continuation of the regulated limitations of hackney carriage numbers in the Durham City and Chester le Street zones – associated with option B*) for those identified pros possibly associated with maintaining the existing 7 zones.

3.3.2 Possible disadvantages and negative attributes associated with a multi-zone system and the removal of limitations on hackney carriage numbers in the Durham City and Chester le Street zones.

See 4.3.2 above (*some possible disadvantages and negative attributes associated with option A - a single zone, unregulated in terms of hackney carriage numbers – associated with option A*) for those identified cons possibly associated with the removal of limitations on hackney carriage numbers.

See also 4.4.2 above (*Some possible disadvantages and negative attributes associated with maintaining a multi-zone system and continuation of the regulated limitations of hackney carriage numbers in the Durham City and Chester le*

Street zones – associated with option B) for those identified cons possibly associated with maintaining the existing 7 zones.

3.4 Maintain the zones and undertake further demand surveys in all zones - introduce limits for the zones not currently limited Maintain the zones – OPTION D

It is possible to impose and maintain a limit in any zone; provided that there is an up to date survey that confirms that there is no significant unmet demand for Hackney Carriages within that zone. If Members wish to exercise this option, in addition to maintaining the zones as they currently exist, it would be necessary to conduct demand further surveys in all of the zones to establish the demand status in each, and to repeat these surveys at least every three years thereafter in all or some of the zones in order to maintain any identified and arguably justifiable limitations.

This option might produce some of the advantages and the disadvantages associated with maintaining a multi-zone system and continuation of the regulated limitations of hackney carriage numbers in the Durham City and Chester le Street zones, together with some possible concurrent disadvantages and negative attributes as outlined in option B above. This option would be an expensive one due to the amount of demand survey work that would be necessary and it is also probable that if further limitation of hackney carriage numbers was to occur in zones additional to those that already exist, then any probable and associated advantages and disadvantages could be magnified and affect larger areas of the County.

3.4.1 Possible advantages and positive attributes associated with a multi-zone system and additional limitations on taxi numbers throughout all zones

See 4.4.1 above (some possible advantages and positive attributes associated with maintaining a multi-zone system and continuation of the regulated limitations of hackney carriage numbers in the Durham City and Chester le Street zones – associated with option B) for those identified pros possibly associated with maintaining the existing 7 zones and the regulation of hackney carriage numbers. Could lead to such affects being experienced in other zones should the need for limitation of hackney carriage vehicles in other zones be identified and the regulation of numbers be imposed as a result.

3.4.2 Possible disadvantages and negative attributes associated with a multi-zone system and additional limitations on taxi numbers throughout all zones

See also 4.4.2 above (Some possible disadvantages and negative attributes associated with maintaining a multi-zone system and continuation of the regulated limitations of hackney carriage numbers in the Durham City and Chester le

Street zones – associated with option B) for those identified cons possibly associated with maintaining the existing 7 zones and the regulation of hackney carriage numbers. Could lead to such affects being experienced in other zones should the need for limitation of hackney carriage vehicles in other zones be identified and the regulation of numbers be imposed as a result.

3.5 Removal of the 7 zones with the simultaneous removal of all limitations on hackney carriage numbers in the Chester le street and Durham City zones; and then to undertake a demand survey for the whole of the County of Durham – OPTION E

Theoretically it would be possible to remove the zones but then to impose and maintain a limit in the one zone that would be created by the administrative boundary of the whole of County Durham; provided that there had been a suitable survey that had confirmed that there was no significant unmet demand for Hackney Carriages within the entirety of County Durham. It is however considered that it would be highly unlikely that such a situation would exist within the whole of County Durham and that it would be very unlikely that such a survey, if carried out would ever find evidence of a countywide situation involving unmet demand within such a massive and diverse geographical area. Notwithstanding this, If Members wished to exercise this option, it would be necessary to conduct a countywide survey to establish that there was in fact unmet demand, and repeat this survey at least every three years thereafter on a countywide basis. Any possible advantages or disadvantages resulting from this option would to a greater or lesser degree mirror those highlighted above in relation to options that include removal of the zones with the imposition of limitations on hackney carriage numbers where this was proved to be both possible and necessary.

3.5.1 Possible advantages and positive attributes associated with a single zone with limitations on taxi numbers throughout the County.

See 4.3.1 above (*some possible advantages and positive attributes associated with a single zone, unregulated in terms of hackney carriage numbers - associated with option A*) pros in relation to the single zone aspects highlighted.

See also 4.4.1 above (*some possible advantages and positive attributes associated with maintaining a multi-zone system and continuation of the regulated limitations of hackney carriage numbers in the Durham City and Chester le Street zones - associated with option B*) pros in relation to the limitation of hackney carriage numbers – but within one zone only, not the existing two.

3.5.2 Possible disadvantages and negative attributes associated with a single zone with limitations on taxi numbers throughout the County

See 4.3.2 above (*some possible disadvantages and negative attributes associated with option A - a single zone, unregulated in terms of hackney carriage numbers – associated with option A*) cons in relation to the single zone aspects highlighted.

See also 4.4.2 above (*some possible disadvantages and negative attributes associated with maintaining a multi-zone system and continuation of the regulated limitations of hackney carriage numbers in the Durham City and Chester le Street zones* – associated with option B) cons in relation to the limitation of hackney carriage numbers – but within one zone only, not the existing two.

3.6 Opinions of the Department of Transport

The Department for Transport (Dft) 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 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.

The DfT further advised that the Department's most recent research, from a survey carried out in 2008, showed that 88 licensing authorities (including Chester le Street and the City of Durham) out of 343 imposed a limit on the number of hackney carriage licences.

3.7 Opinions of the Office of fair Trading

The Office of Fair Trading considers that quantity regulation (limiting 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. Last year (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.

3.8 Opinions of Durham Constabulary

A report (see Annex 1) was supplied by Durham Constabulary to Durham County Council on the 7th 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”.

3.9 Opinions of the Licensed Hackney Carriage and Private Hire Trade

3.9.1 Opinions expressed by the local Area Working Groups (AWGs) representing the hackney carriage and private hire trade associated with the existing zones.

Table (i)

Area Working Group	Zones Keep or Remove? (1 zone or 7)	Regulation of HC Numbers Maintain or End?	Colour Policy Yes or No?	Option Favoured by AWG (Zoning and regulation of HC numbers)
Chester le Street	Keep the 7 zones	Regulate HC numbers	Yes to Colour policy	Option B
Easington	Remove the 7 zones	Regulate HC numbers	No to colour policy	Option E
Derwentside	Remove the 7 zones	Regulate HC numbers	No to colour policy	Option E
Durham City	Keep the 7 zones	Regulate HC numbers	Yes to Colour policy	Option B
Sedgefield	Remove the 7 zones	Regulate HC numbers if 7 zones are kept	No clear opinion expressed	Option A or Option E
Teesdale	Keep the 7 zones	Regulate HC numbers if 7 zones are removed	No clear opinion expressed	Option B or Option E
Wear Valley	Remove the 7 zones	No clear opinion expressed	Yes to Colour policy	Option A or Option E

3.9.2 Opinions expressed by the County Wide Working Group (CwWG) comprising representatives from the 7 AWGs whose membership represents the hackney carriage and private hire trade associated with the existing zones.

Table (ii)

All Area Working Groups	Zones Keep or Remove? (AWG Responses)	Regulation of HC Numbers Maintain or End?	Colour Policy Yes or No?	Option Favoured by AWG (Zoning and regulation of HC numbers)
Countywide Working Group Representatives	3 Keep 4 Remove	6 Regulate 1 Unclear	3 Yes 2 No 2 Unclear	2 for Option B 2 for Option E 2 for Options A or E 1 for Options B or E

4.0 Vehicle Identification and Colour 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'. Three 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.

5.0 The national perspective

Information provided by the Department for Transport revealed in September 2009, that at the time of their survey carried out in 2008, 88 of the 343 authorities in England had a working policy to restrict the number of Hackney Carriage licenses in all or some parts of their administrative areas. This includes Chester le Street and Durham City zones within the County of Durham.

5.1 The situation in other new unitary authorities

The 7 other new unitary authorities that along with Durham county Council were created under the latest round of local government reorganisation were contacted to find out about the situation concerning zoning, limitation and colour policy in their administrative areas. These new authorities, formed by the merger of former County and District Councils were Wiltshire County Council, Shropshire County Council, Northumberland County Council, Cornwall County Council, Cheshire East, Cheshire west and Central Bedfordshire.

As may be seen from the two tables below, only one new Unitary Authority has removed zoning in respect of Hackney Carriages (HC). Central Bedfordshire had no number limitations or colour policies in either zone and the amalgamation of the zones was with the co-operation of the trade.

Table (iii) Zoning, limitation and colour policies in the new Unitary Authorities

Authority	No of zones pre LGR	No of zones post LGR	No of zones regulated	No of zones with colour policy
Central Beds	2	1	0	0
Cheshire East	3	3	2	0
Cheshire West	3	3	1	2
Cornwall	6	6	2	2
Northumberland	6	6	0	1
Shropshire	5	5	0	0
Wiltshire	4	4	0	0

Table (iv) Zoning, consultation and policies in the new Unitary Authorities

Authority	Has authority de-zoned post LGR?	Is consultation ongoing or proposed re de-zoning?	Has a single policy been adopted, proposed, or in consultation?
Central Beds	Yes	N/A	Yes
Cheshire East	No	No	No
Cheshire West	No	No	No
Cornwall	No	No	No
Northumberland	No	Yes	Proposed
Shropshire	No	Ongoing	In consultation
Wiltshire	No	No	Yes

NOTES: *By the end of 2009, Cornwall and Shropshire were in the process of consultation regarding the possible removal of zones in their administrative areas.*

Cornwall had met with the trade only and was consulting via a questionnaire. The questionnaire's responses were designed to fit into categories ranging from 'strongly disagree' with the proposal/suggestions to 'strongly agree'. The responses we are told have been very poor with only 10 – 11% of questionnaires from the trade being returned. The results were to be reported to the appropriate committees and the final decision was to be left to members with no officer recommendations given at all in the final report. The proposals were to address the issues of removing zones in the first instance and then to proceed with the issue of restricting/de-restricting Hackney Carriage numbers. The eventual outcome of this consultation and decision making process in Cornwall was that local members decided to keep the existing 6 zones and to maintain the limitation of numbers in two of these zones.

Shropshire adopted a single policy for April 1st 2009 and consulted on revisions to this alongside the issue of the removal of existing zones. They consulted with the trade by way of forums but not working groups. Their consultation document on their website simply asked for any comments on the issue of de-zoning among the proposed amendments to the policy. At the time of writing this briefing paper Shropshire County Council have not made a decision on the issue of zones and they are continuing to operate as they had previously done prior to LGR.

Consultation Response Report from Durham Constabulary

Opinions of Durham Constabulary

The report was supplied by Durham Constabulary to Durham County Council on the 7th 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.

REPORT:

This matter is being dealt with by Sgt Tim Robson, extension number 663 2351.

Dear Sir /Madam

Taxi Zoning and Creating a Single Taxi Zone.

1. Overview

1.1 I am a Sergeant in the Durham Constabulary Licensing Unit where for over 8 years I have engaged in taxi licensing matters at a number of levels. During this time I have dealt with matters associated with The National Taxi Association (December 2003 onwards), DELTA – Derwentside Taxi Drivers Association (2003 onwards), Chester-Le-Street Taxi and Private Hire Working Group (2004 onwards), and most importantly I have been attending the Durham City Licensing Strategy meetings from 2004 to April 2009 which included the attendance of Durham Independent Taxi Association.

1.2 Working regularly in the night time economy gives me an in depth insight into the provision and availability of taxis in the North area. The basis of this report is to convey my findings over the past 5 years on taxi provision primarily in the North Durham.

1.3 From 2004 onwards the police had regular meetings with the Durham City Taxi drivers association. Consultation identified that the then current position of taxi ranks was inappropriate and as such the rank in North Road, Durham City was moved a short distance down the road to outside of Bottoms Up, an off licence. At this time funding from licensees allowed for the implementation of Taxi Marshalls. I coordinated the provision of two taxi marshals at this location whose duties were to monitor the rank and report matters to the police. They were effectively eyes and ears providing the police with an early intervention to deal with crime and disorder.

2. Taxi Marshals

2.1 At this time Walkergate was under development and the night time economy was focused in the North Road area. The city had few new attractions with the old pubs and nightclubs creating the main attraction for visitors.

During 2005 the Disorder in the area of North Road, Durham rose monthly. In assessing the reasons behind the disorder a proportion was seen to be linked with persons waiting in taxi queues.

2.2 Following consultation with taxi drivers at the licensing strategy meetings the rank in North Road was moved to a location where it was perceived taxi drivers would favour attending. The taxi operators made mention to the disorder that they were experiencing on the rank and stated they did have sufficient cars however they were short of drivers. I will discuss this matter later in the report.

2.3 In response to this the licensees in the North Road area agreed to fund the provision of two taxi marshals to work 12 midnight until 3am. Their duties were to maintain an orderly queue and to utilise radios to inform CCTV of any developing matters. They also identified persons in the queue who were willing to travel together and travel to a like destination. This ensured that revellers were taken home as quickly as possible. The taxi marshals were also door supervisors employed by Phoenix Security and they provided me with a great deal of information on the number of taxis attending the queue during the night.

2.4 After speaking with the marshals' and in working a number of nights it was abundantly clear that there were insufficient taxis in the city to cater for the amount of revellers requiring transportation home at the end of a night.

2.5 During the following months a reduction in crime and disorder in the area was noticed. The queues for persons waiting for the taxi did not reduce. Across the City Centre at all ranks there was excessive queuing. Early intervention and filling taxis with multiple fares did help the disorder issues but the main problem was still the lack of taxis.

Taxi Queue North Road March 2006 Image 1



Taxi Queue North Road March 2006 Image 2



3. Durham City in Comparison

3.1 The issue of insufficient taxis was addressed across the whole of the North Area of the Constabulary and Durham City was the only area where there were problems.

3.2 The population of Durham today is around 40000 (with a further 20000 or so living in the immediate surrounding area), and university buildings and departments are spread throughout the city, as are the 17 colleges of the university. The colleges house approximately 16000 students. A bus service is provided for the students to get them safely home to the peripheral colleges at the end of the night. The issue of

“town and gown” has I am pleased to report reached a very low level. In comparison to the surrounding areas Durham has the highest population.

3.3 Only Chester le Street and Durham City Centre have a limit on the number of Hackney Carriages. I attended the Licensing strategy meetings where I again raised the issue of lack of taxis in the City Centre. I was again informed that there were sufficient taxis and the main issue was the lack of drivers. The reality is that there are insufficient cars and that any persons wishing to work as a taxi driver are primarily solo operators with their own cars. To evidence this the current Hackney taxi driver waiting list at Durham City has 74 persons waiting who are mainly sole providers. Individuals who wish to operate their own business and car, and not to work for the bigger firms who may have a lack of drivers but owing to this are causing taxis to be unused during the busy times.

3.4 I questioned the re deployment of drivers within the big City Centre operators to cover the Night Time Economy and the result was that they could not get the drivers to work that period of time, after all if a driver could make his/her money on a daytime basis conveying fares from the city and shopping centres then they would, and ultimately these drivers were then boycotting the night time economy. Even providing taxi marshals, improved rank location and better policing of the Night time economy there was still insufficient persuasion to cause drivers to work back.

3.5 During 2006 the situation did not improve. Checks through 2006 showed that there was still insufficient taxis to deal with the requirements of the city.

3.6 In October 2006 the new Walkergate Development opened to the public, increasing the Night Time economy by 3 large capacity establishments and a number of smaller dining houses. The development caused displacement of a proportion of the revelers’ in North Road to Walkergate, but it also caused an increase in public attraction to the City. The increase in trade could be seen in the closing times of premises across the City.

3.7 Unlike other parts of the North East the police have fought to maintain Durham City’s 2am licences and this remains to present day. Only occasional licences are extended to 3am and only on an ad hoc basis. Trade increased in the Walkergate area and decreased in North Road where taxi marshals were still employed. In assessing the City’s taxi ranks during the early part of 2007 a common theme can be seen. In the early part of 2007 there was still no change.

Market Place Taxi Rank March 2007

6.□

2



Taxi Rank bottom of Crossgate March 2007

3

4



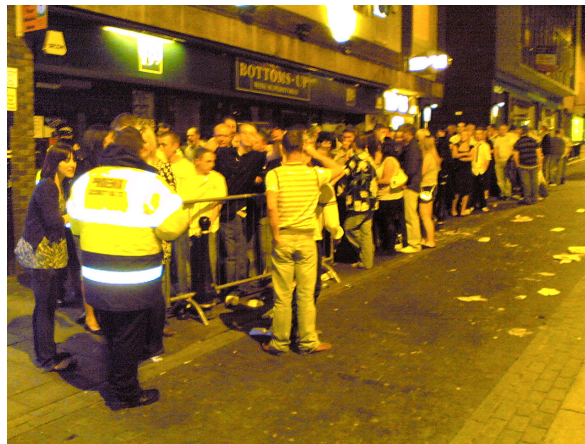
4. Queuing

- 4.1 In North Road the queues still remain. After speaking to persons in the queues it was evident that they were very disgruntled at having to wait a considerable time for the arrival of a taxi. I interviewed people in the ranks as they waited and it was evident that a number of the persons were travelling to the out skirting villages. This was causing the taxis to take some time before they returned. Noticeable in the all images is the lack of taxis.
- 4.2 Taxi Marshals were only working North Road, people felt safe in the queues associated with marshals and I noted that North Road rank still attracted crowds from the Walkergate area especially as a number of those in the queue were from villages to the west of Durham city such as Brandon and Langley Park.

North Road March 2007

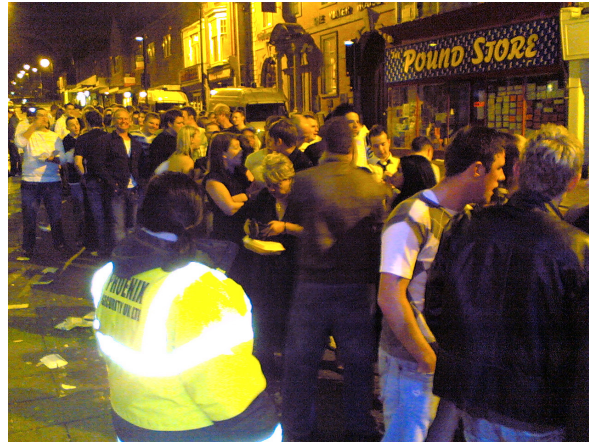
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5. Councilors' views

5.1 It is worthy of note that at this time Councilor Edna Hunter identified problems with taxis, the issues associated with the lack of taxis which were now developing farther and greater than before and the problem was causing great issue to many. The following news feed is therefore relevant to my report and its content must be taken into consideration in making a decision regarding the need to make one single zone. The following is the content of the news feed.

5.2 Taxi shortage 'fuelling violence'

A lack of late-night transport is fuelling the potential for violence and disorder in Durham City, a leading councillor has claimed.

Edna Hunter, Durham County Council's vice chair, was one of three members of a working group examining drugs and alcohol abuse among under-18s.

They spent four hours on a fact-finding mission in and around the city's nightspots on Saturday.

They identified a lack of taxis and other available transport.

Councillor Hunter said she found the experience “eye-opening”.

Long journeys

She said: “It was immediately apparent that in Durham City, there is an acute shortage of transport, especially taxis, to ferry people out of the town quickly after closing time.

“In one taxi queue, there were almost 40 young people waiting for a taxi, but because the taxis have long journeys to make to take people home to the surrounding villages, only two turned up in more than 10 minutes.

“This causes frustration which can lead to arguments which can quickly turn to violence as we saw for ourselves.”

The fact-finding mission was part of a county council investigation into under-age drinking and drugs abuse and associated problems.

Mrs Hunter added: “After Saturday night’s experience, part of the evidence we shall be feeding back into the investigation is this urgent need to address the lack of late night transport in Durham City, which in my view is a key contributor to potential violence and disorder.

“There may be issues, including the availability of taxi drivers, which contribute to the late night transport problem, but it is an area which needs looking at closely.” *Ends*

Clearly the issues were very apparent in 2007. During 2008 the Walkergate development progressed from strength to strength drawing more and more people to the area. In surrounding areas of the North area little if anything had changed and taxi requirements were being met. Chester Le Street is the only other hackney regulated area in the North however in that area there were few problems with taxi availability.

The only issues in Chester Le Street were associated with location of the ranks. In Durham City the night time economy had split between North Road and Walkergate and although the footfall had increased transportation had not. Ancillary bus services had been instigated but many, especially single women were still reluctant to use bus services over taxis. Taxis were seen by many as a safe and convenient means of getting from A to B and both groups or single females heading home did not like the idea of being alone on a bus or being dropped off some distance from home and having to walk. This was evidenced in the provision of buses by Walkabout in North Road and the comments made by the users of the bus. Taxis were the way forward and the safest way home however the main issue was the wait in the ranks. Again the main issue was that of the lack of taxis.

Information received suggests that due to the limited number of taxi plates available some plates when sold were being sold for in excess of £30,000.

Between June 2009 and current date licensing authorities have noticed a clear migration of private hire plates from both restricted and non restricted zones to that of unrestricted hackney areas. Private hire vehicles have reduced by over 50% in the Easington area, and in Durham City the unlimited number of private hire vehicle drivers have been seen to make application to primarily Derwentside for Hackney plates. It is firmly believed that the reason for this is so that when there is a singular zone the taxi operators will be in a position to move to ranks in the busier areas namely Durham City.

The below table indicates the number of taxis in each specific area, considering that the city has a populous of nearly 75,000 people then there is the equivalent of one hackney taxi per thousand inhabitants of the city.

AREA	HACKNEYS	PRIVATE HIRE
Chester Le Street	95	52
Durham City	74	69
Derwentside	280	136
Easington	216	102
Sedgefield	138	35
Teesdale	16	51
Wear Valley	179	32

In 2010 the issues associated with lack of taxis continue, queues are still long and unnecessary and people waiting remain as frustrated as ever whilst others grow violent in the rank line. The main difference is that now thanks to improved partnership assistance a taxi rank in Claypath now has the support of two taxi marshals'. I have spoken to the marshals' from both North Road and Claypath In February 2010 and the message is that taxis are not stopping at the ranks. On the night of my visit there were 65 people waiting in the queue at North Road and this was the least busiest of the ranks. Taxis were few and infrequent. Taxi marshals informed me that taxis were being flagged down at the top of North Road and driving past those waiting in the queue. Taxis were cherry picking the customers that they wanted to collect causing disaffection to those in the queue.

Summary

Durham's night time economy had changed very much for the better over the last 7 years, moving from strength to strength and addressing issues identified by the police, partnerships and most importantly the public who have to suffer the indignities of drunkenness and both disorderly and violent behaviour associated with the pubs and clubs of the city. The one constant that has not changed radically is the number of taxis in the city. Patrols in the city during 2004, 2005, 2006 and 2007 show the total lack of Hackney carriages. Councillors themselves express their concern at the lack of taxis in 2007. The Independent taxi survey finalised in May 2008 clearly depicted the need for more taxis, in the city and the clear statements from those that manage the taxi ranks, the Marshalls themselves indicate that the taxis in 2010 are simply cherry picking the cream of the ranks as and when they want. It is a sorry state of affairs but it is very true that a majority of taxis if they are working on a busy night are either picking up fares away from the rank or simply driving past the queues of frustrated revellers waiting as patiently as possible to get home in queues of drunken, impatient and often violent individuals. It is my firm belief that the main operators of taxis in Durham City centre have invested a great deal of money in the cost of individual taxi plates. If a mineral is rare then it is of high intrinsic value and the same can be said for taxi plates. Elsewhere in the county taxi plates are worth only the cost of the plate usually £25 however if as in the case of Durham City the plate is only one of 74 released the market value of that plate rises to between £30,000 and £40,000. The fight is therefore a much greater issue for those who hold the plates not because of the need to use the vehicles to generate income from fares, but because the owners of the plates fear the loss of their investment in the individual plates.

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.

Yours sincerely
T. Robson
Sergeant 1590