

# North Yorkshire Council

## Executive

17 October 2023

### Hackney Carriage Zones

#### Report of the Corporate Director of Environment

#### **1.0 PURPOSE OF REPORT**

- 1.1 To confirm the Council's position to abolish the seven predecessor authority hackney carriage zones and operate a single hackney carriage zone for North Yorkshire.

#### **2.0 BACKGROUND**

- 2.1 In February 2023 the North Yorkshire County Council Executive (acting as the Implementation Executive for North Yorkshire Council) resolved to operate a single hackney carriage zone for North Yorkshire. In addition, the Implementation Executive adopted a single North Yorkshire Council Hackney Carriage and Private Hire Policy and made a commitment to develop an Inclusive Service Plan.
- 2.2 There was a procedural oversight in relation to the abolition of the predecessor authority hackney carriage zones, which the Council is seeking to correct in order to provide clarity to the public.

#### **3.0 CREATION OF A SINGLE HACKNEY CARRIAGE ZONE**

- 3.1 By law, the local government reorganisation process created seven hackney carriage zones in North Yorkshire on 01 April 2023. In order to operate a single zone, the Council must pass a resolution to abolish the existing zones having published statutory notices of that intention in accordance with paragraph 25 of Schedule 14 to the Local Government Act 1972 ("LGA 1972").
- 3.2 The report to the Executive on 21 February 2023 clearly set out the intention to operate a single zone. It is evident from the report, the meeting and the minutes, that the Executive agreed to abolish the seven hackney carriage zones that would result from the legacy district/borough councils and to operate a single zone throughout the whole area of the new unitary authority. Whilst the decision was clear, an issue has been raised with regard to the technical requirement of passing an extension resolution to formally abolish the previous zones and apply provisions of the hackney carriage licensing regime across the whole of the administrative area of North Yorkshire (pursuant to paragraph 25, Schedule 14 of the Local Government Act 1972). The legal position is that a single zone is operational and it is clear that the report, the consultation, the recommendations and adopted policy are unequivocal in the aim to abolish the seven predecessor authority hackney carriage zones and operate a single zone for the administrative area of North Yorkshire.

- 3.3 The Council has operated a single hackney carriage zone since 01 April 2023 and whilst this position remains lawful it is prudent that the Council, now that it is aware of the procedural oversight, passes the relevant resolution under the LGA 1972 to provide emphatic clarity to its position. Therefore, the Council has now produced a new notice under the LGA 1972 which has been published for two consecutive weeks in a local newspaper circulating the area and served on all the parish and town councils across the Council's administrative area. A copy of this notice is appended at Appendix A of this report.

#### **4.0 CONSULTATION UNDERTAKEN AND RESPONSES**

- 4.1 Prior to the Executive meeting in February 2023 the position regarding the intention to operate a single hackney carriage zone was properly consulted upon and follows the Department of Transport's Best Practice Guidance. Members of the Executive considered all the relevant responses prior to resolving to operate a single hackney carriage zone.
- 4.2 The Council has since published a statutory notice in a local newspaper for two consecutive weeks and a copy has been served on all the parish and town councils within the Council's administrative area. Any responses to the statutory notice or this report will be conveyed to the Executive at its meeting.

#### **5.0 ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 The Council may consider taking no further action. The Executive made a formal decision in February and this decision stands unless it has been overturned by a Court of Law. The decision was not challenged by way of Judicial Review within the appropriate timescales and therefore the decision stands under the principle of presumptive regularity. However, it is recommended for the Executive to consider this new resolution to provide clarity for any concerns that have been raised.

#### **6.0 FINANCIAL IMPLICATIONS**

- 6.1 Expenditure incurred in publishing the statutory notices has been met within current service budgets. No additional financial implications have been identified.

#### **7.0 LEGAL IMPLICATIONS**

- 7.1 The legal considerations in respect of the creation of a single hackney carriage zone are considered in detail at paragraphs 3 and 5 of this report.
- 7.2 In accordance with the requirements of paragraph 25, Schedule 14 to the LGA 1972 a statutory notice has been published in a local newspaper for two consecutive weeks and served on all the parish and town councils within the Council's administrative area.
- 7.3 In accordance with the LGA 1972 once a resolution to abolish the seven predecessor zones has been passed the decision cannot take effect for at least one month. However, this recommended resolution is intended to overcome any procedural irregularity and provide clarity on the decision made by the Executive on 21 February 2023. Therefore, the Council will continue to operate a single hackney carriage zone. To do otherwise could result in a successful legal challenge.

#### **8.0 EQUALITIES IMPLICATIONS**

- 8.1 An Equality Impact Assessment has been carried out as part of this process, a copy of which is attached at Appendix B.

## **9.0 CLIMATE CHANGE IMPLICATIONS**

- 9.1 A Climate Change Impact assessment has been undertaken which concluded that, as a single hackney carriage zone for North Yorkshire has been in operation since 01 April 2023, there is no impact on climate as a result of this report. A copy of the assessment is attached at Appendix C.

## **10.0 POLICY IMPLICATIONS**

- 10.1 The proposal is in accordance with the policy considerations before the Executive on 21 February 2023 when the Council agreed to adopt a single Hackney Carriage and Private Hire Licensing Policy which took effect on 01 April 2023.

## **11.0 RISK MANAGEMENT IMPLICATIONS**

- 11.1 The Council considered the implications of not creating a single hackney carriage zone at the meeting of its Executive on 21 February 2023. Whilst the operation of a single hackney carriage zone is lawful it is prudent to address the procedural omission to remove any ambiguity.

## **12.0 REASONS FOR RECOMMENDATIONS**

- 12.1 To provide clarity to the previous decision of the Executive on 21 February 2023, the Executive is asked to consider formally passing a relevant resolution under the 1972 Act.

## **13.0 RECOMMENDATIONS**

- 13.1 To confirm the abolition of the seven predecessor district/borough hackney carriage zones for Craven, Hambleton, Harrogate, Richmondshire, Ryedale, Scarborough and Selby and to confirm that all provisions of the hackney carriage licensing regime be applied across the whole of the administrative area of North Yorkshire Council pursuant to paragraph 25, Schedule 14 to the Local Government Act 1972 with effect from 30 November 2023.

### **APPENDICES:**

Appendix A – Statutory Notice

Appendix B – Equality Impact Assessment

Appendix C – Climate Change Assessment

### **BACKGROUND DOCUMENTS:**

Report and Minutes of the meeting of the Executive 21 February 2023

*Karl Battersby*

Corporate Director – Environment

County Hall

Northallerton

20 September 2023

Report Author – Laura Venn and Gareth Bentley

Presenter of Report – Gareth Bentley, Head of Licensing

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

**NORTH YORKSHIRE COUNCIL**

**LOCAL GOVERNMENT ACT 1972  
HACKNEY CARRIAGE ZONES**

Notice is hereby given that, in accordance with schedule 14 to the Local Government Act 1972, it is the intention of North Yorkshire Council to pass a resolution on 17 October 2023 to remove all hackney carriage zones within the administrative area of North Yorkshire Council and to apply all provisions of the hackney carriage licensing regime across the entire administrative area of North Yorkshire Council with effect from 30 November 2023.

Karl Battersby  
Corporate Director of Environment



## Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(form updated June 2023)

### *Confirmation of abolition of predecessor authority hackney carriage zones*

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যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people find completed EIAs, we also publish them in our website's Equality and Diversity section. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	Environment: Licensing
Lead Officer and contact details	Laura Venn, Legal Manager (Deputy Monitoring Officer) Gareth Bentley, Head of Licensing <a href="mailto:Laura.Venn@northyorks.gov.uk">Laura.Venn@northyorks.gov.uk</a> <a href="mailto:Gareth.bentley@northyorks.gov.uk">Gareth.bentley@northyorks.gov.uk</a>
Names and roles of other people involved in carrying out the EIA	None
How will you pay due regard? for example, working group, individual officer	The abolition of hackney carriage zones was considered in a public consultation and responses were considered throughout and reported to Executive in February 2023.
When did the due regard process start?	October 2022

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**Section 1. Please describe briefly what this EIA is about.** (for example, are you starting a new service, changing how you do something, stopping doing something?)  
 The report seeks confirmation of the Executive's decision to abolish predecessor authority hackney carriage zones and thus create a single hackney carriage zone for North Yorkshire. The resolution by the Executive in February 2023 was in respect to consultation on a single hackney carriage and private hire policy and the operation of a single hackney carriage zone. In order to create a single hackney carriage zone the Council was required to abolish the seven predecessor authority hackney carriage zones which were created as a result of local government reorganisation. Whilst the consultation was clear as to the Council's intentions the Council omitted a stage of the statutory process and therefore is seeking now to rectify that oversight.

**Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it?** (for example, to save money, meet increased demand, do things in a better way.)

To provide emphatic clarity on the Council's position in relation to a single hackney carriage zone operating throughout the administrative area of North Yorkshire Council.

**Section 3. What will change? What will be different for customers and/or staff?**

The Council has been operating as a single hackney carriage zones since 1 April 2023 therefore there will be no change as a result of the recommended resolution as the report only seeks to confirm the Council's position in respect of the abolition of the predecessor hackney carriage zones.

**Section 4. Involvement and consultation** (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

Prior to the Executive meeting in February 2023 the position regarding the intention to create a single hackney carriage zone was properly consulted upon.

A consultation on the draft policy took place between 28 October 2022 and 19 January 2023. Information on the consultation, including how to comment through the online survey was provided to key stakeholders including the taxi trade via email and letter. In addition, each local authority included the consultation on their respective websites and social media channels.

Members of the Executive considered all the relevant responses prior to resolving to operate a single hackney carriage zone.

A statutory notice has been produced and sent to all the parish and town councils in the area and has been published in a newspaper in the area for two consecutive weeks.

**Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?**

Please explain briefly why this will be the result.

Cost neutral. The Council already operates a single hackney carriage zone. The proposal is to provide clarity on the Council's position.

<b>Section 6. How will this proposal affect people with protected characteristics?</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
Age	X			
Disability	X			
Sex	X			
Race	X			
Gender reassignment	X			
Sexual orientation	X			
Religion or belief	X			
Pregnancy or maternity	X			
Marriage or civil partnership	X			

<b>Section 7. How will this proposal affect people who...</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
..live in a rural area?	X			
...have a low income?	X			
...are carers (unpaid family or friend)?	X			
..... are from the Armed Forces Community	X			

**Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)**

North Yorkshire wide	X
Craven district	
Hambleton district	

<b>Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)</b>	
Harrogate district	
Richmondshire district	
Ryedale district	
Scarborough district	
Selby district	
<b>If you have ticked one or more districts, will specific town(s)/village(s) be particularly impacted? If so, please specify below.</b>	
N/A	

<b>Section 9. Will the proposal affect anyone more because of a combination of protected characteristics? (for example, older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.</b> N/A
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<b>Section 10. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)</b>	<b>Tick option chosen</b>
<b>1. No adverse impact - no major change is needed to the proposal.</b> There is no potential for discrimination or adverse impact identified.	<b>X</b>
<b>2. Adverse impact - adjust the proposal -</b> The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	
<b>3. Adverse impact - continue the proposal -</b> The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	
<b>4. Actual or potential unlawful discrimination - stop and remove the proposal –</b> The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
<b>Explanation of why the option has been chosen</b> (include any advice given by Legal Services.)  The purpose of the report is to clarify the Council's position and correct a procedural oversight. A single hackney carriage zone for North Yorkshire has been in operation since 1 April 2023.	



**Section 11. If the proposal is to be implemented how will you find out how it is really affecting people? (How will you monitor and review the changes?)**

The Council's Hackney Carriage and Private Hire Licensing Policy (which operates alongside the single hackney carriage zone) is always under review and any feedback arising from matters relating to the hackney carriage zone will be considered.

**Section 12. Action plan.** List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements

**Section 13. Summary** Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker. There are no equality impacts in relation to this proposal.

**Section 14. Sign off section**

This full EIA was completed by:

**Name: Laura Venn**  
**Job title: Legal Manager (Deputy Monitoring Officer)**  
**Directorate: Legal and Democratic Services**  
**Signature: Laura Venn**

**Completion date: 15 September 2023**

**Authorised by relevant Assistant Director (signature): Paul Thompson, Integrated Passenger Transport, Licensing, Fleet, Harbours and Countryside Access**

**Date: 19 September 2023**

**Initial Climate Change Impact Assessment (Form created August 2021)**

The intention of this document is to help the council to gain an initial understanding of the impact of a project or decision on the environment. This document should be completed in consultation with the supporting guidance. Dependent on this initial assessment you may need to go on to complete a full Climate Change Impact Assessment. The final document will be published as part of the decision-making process.

If you have any additional queries, which are not covered by the guidance please email [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk)

<b>Title of proposal</b>	Confirmation of abolition of predecessor authority hackney carriage zones
<b>Brief description of proposal</b>	The report seeks confirmation of the Executive's decision to abolish predecessor authority hackney carriage zones and thus create a single hackney carriage zone for North Yorkshire. The resolution by the Executive in February 2023 was in respect to consultation on a single hackney carriage and private hire policy and the operation of a single hackney carriage zone. In order to create a single hackney carriage zones the Council was required to abolish the seven predecessor authority hackney carriage zones which were created as a result of local government reorganisation. Whilst the consultation was clear as to the Council's intentions the Council omitted a stage of the statutory process and therefore is seeking now to rectify that oversight.
<b>Directorate</b>	<b>Environment</b>
<b>Service area</b>	<b>Licensing</b>
<b>Lead officer</b>	<b>Gareth Bentley, Head of Licensing</b>
<b>Names and roles of other people involved in carrying out the impact assessment</b>	<b>Laura Venn, Legal Manager (Deputy Monitoring Officer)</b>

The chart below contains the main environmental factors to consider in your initial assessment – choose the appropriate option from the drop-down list for each one.

Remember to think about the following;

- Travel
- Construction
- Data storage
- Use of buildings
- Change of land use

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- Opportunities for recycling and reuse

Environmental factor to consider	For the council	For the county	Overall
Greenhouse gas emissions	No effect on emissions	No Effect on emissions	No effect on emissions
Waste	No effect on waste	No effect on waste	No effect on waste
Water use	No effect on water usage	No effect on water usage	No effect on water usage
Pollution (air, land, water, noise, light)	No effect on pollution	No effect on pollution	No effect on pollution
Resilience to adverse weather/climate events (flooding, drought etc)	No effect on resilience	No effect on resilience	No effect on resilience
Ecological effects (biodiversity, loss of habitat etc)	No effect on ecology	No effect on ecology	No effect on ecology
Heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape

If any of these factors are likely to result in a negative or positive environmental impact then a full climate change impact assessment will be required. It is important that we capture information about both positive and negative impacts to aid the council in calculating its carbon footprint and environmental impact.

<b>Decision (Please tick one option)</b>	Full CCIA not relevant or proportionate:	X	Continue to full CCIA:	
<b>Reason for decision</b>	The purpose of the report is to clarify the Council's position and correct a procedural oversight. A single hackney carriage zone for North Yorkshire has been in operation since 1 April 2023 and therefore there is no impact on climate as a result of this report.			
<b>Signed (Assistant Director or equivalent)</b>	Paul Thompson			
<b>Date</b>	19 September 2023			

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