

## **SUPPLEMENTARY INFORMATION:**

### **RESTRICTIONS ON USE OF PAY AND DISPLAY PARKS BY TAXIS**

#### **Background**

The review of the bylaw included the recommendation to remove offences specific to taxis which had proved to be unenforceable when challenged.

These offences include:

- Driving or parking a taxi in a parking meter area or space without paying, unless dropping off or picking up a passenger
- Parking a taxi within 20 metres of a taxi stand, where the taxi is available for hire.

The Review of Consolidated Bylaw (Traffic Provisions) Subcommittee recommended that the proposed removal of these offences is reviewed in the light of further information on possible restrictions on taxis using pay and display spaces.

#### **Discussion**

Enforcement issues with the taxi offences in the current bylaw included:

- the definition of 'taxi' in the Land Transport Act 1998 includes being 'in use for hire or reward for the carriage of passengers'. It is difficult to prove whether or not a taxi in a parking space is available for hire at any given moment - if a driver states that the car is not available for hire as he or she is having a break, the existing bylaw offence does not apply,
- parking in a metered area is defined in the Land Transport (Road User) Rule 2004 as being in an identified portion of the road for longer than 5 minutes, so that a taxi can wait in a parking space for 5 minutes before moving to another space etc
- the difficulty of ascertaining if a taxi is waiting to pick up a passenger.

The problem the offences were attempting to address is taxis parking in pay and display parks when they are unable to find space on a taxi stand, often without paying, reducing the number of parks available for other vehicles.

The options for addressing the issue of taxis parking in pay and display include:

- a) Increasing the space allocated to taxi stands. However, the provision of taxi stands is intended to provide a service to the taxi using public (by enabling people to find a taxi easily), rather than to provide parking for taxis, and there does not appear to be a shortage of taxi stands from the point of view of the public.
- b) Developing enforceable restrictions on the use of pay and display parking by taxis (or on particular areas of pay and display parking where a problem has been identified) so that it is easier to enforce restrictions on taxis occupying spaces intended for other road users.

When considering the proposed changes to the bylaw that included the removal of the unenforceable offences, SPC requested officers to investigate and report back on options to address complaints about the number of taxis occupying pay and display parking, and in particular consider options relating to restrictions on taxis parking in pay and display areas.

Legal advice has been received that enforceable restrictions on the use of pay and display parks by taxis could be imposed by amendments to the bylaw including:

- defining 'taxi' for the purposes of the bylaw in a way that does not include being available for hire, but instead uses more concrete characteristics such as taxi signage,
- imposing a class-based parking restriction on where vehicles meeting this description can stop, stand, or park.

This approach would remove the need to consider whether a taxi is available for hire or not when considering whether an offence has been committed, but taxi drivers would still have the ability to convert their vehicles into private vehicles by removing or obscuring the signage. Officers believe that this would potentially be sufficiently onerous to prevent it being used to frustrate the proposed restriction.

The restriction on using pay and display parks could be limited to some areas, or apply to all pay and display / metered parks – effectively the entire CBD. A restriction on some areas is likely to result in the simply moving the problem from one area to the next, so the more comprehensive approach is probably justified.

While the Council can impose restrictions on parking by resolution under clause 11 of the bylaw, in this case the nature of the proposed restriction would probably require a formal amendment to the bylaw and a full consultation process to ensure that the restrictions imposed are reasonable. This can not occur until the current process to amend the bylaw is completed.

### **Recommendation**

It is recommended that:

- The removal of the unenforceable offences specific to taxis is agreed
- A proposal is prepared under the bylaw to impose a restriction on the use of pay and display parks by taxis, for consideration of the Strategy and Policy Committee in early 2012