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| NAME OF COMMITTEE | Licensing Committee |
| DATE | 18 September 2013 |
| REPORT TITLE | The appointment, revocation and re-appointment of taxi stands in the District |
| Report of | The Business Support / Licensing Manager |
| WARDS AFFECTED | All Wards |

Summary of report:

To approve the proposals of changing two taxi stand provisions in Kingsbridge.
To update, review and confirm the Authority's taxi stand provision in the South Hams.

Financial implications:

With the exception of advertising these proposals (4.1 below) there are no direct financial implications to the Council from this report

RECOMMENDATIONS:

That the Committee resolves to recommend to Council:

- 1. To exercise the Council's powers under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976, to revoke the previous appointment of the taxi stand outside Peacocks, 2 Fore Street, Kingsbridge, TQ7 1NY.**
- 2. To exercise the Council's powers under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976, to approve the appointment of the South Hams taxi stands set out in Appendices A of this report.**
- 3. That the Business Support Manager be authorised to advertise the above proposals required by Section 63(2) of the Local Government (Miscellaneous Provisions) Act 1976.**
- 4. That if no written representation or objection is received relating to the notice published in accordance with (3) above within the 28 days period following the publication of that notice, or received and subsequently withdrawn, the taxi stands referred to in paragraph 1 of this recommendation be deemed revoked and accordingly in paragraph 2 the taxi stand(s) be deemed appointed.**

- 5. That following the revocation and appointment of the taxi stands as afore mentioned on paragraphs 1 & 2 that Devon County Council as the Highways Authority be requested to put in place or remove the appropriate legal provisions and to delete or mark out the ranks as appropriate.**

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1. BACKGROUND

The South Hams District Council licence 138 Hackney Carriages that operate throughout the district. These vehicles can be seen around the towns and have a 'taxi' roof sign and a SHDC identification plate displayed on the rear of the vehicle. When the vehicles are not booked by a fare paying passenger they will be either plying for hire while making their way to the nearest available taxi stand or will have arrived at a taxi stand and awaiting their next fare paying passenger.

- 1.1 There are existing taxi stands at the following locations:

- Ivybridge – Centre of Glanvilles Mill Car Park spaces for 5 vehicles (SHDC land)
- Dartmouth – South Embankment – 22 meters of waiting area (DCC highway)
- Totnes – The Railway Station – 26 meters of waiting (British Rail land)
- Totnes – The Plains – 26 meters of waiting (DCC highway)
- Kingsbridge – Lime Grove – 17 meters of waiting outside Morrisons (DCC highway)
- Kingsbridge – the Bus Station – spaces for 5 vehicles (SHDC land)
- Kingsbridge – Bottom of Fore Street outside Peacocks 14 meters of waiting area but restricted to 6pm and 7am daily for taxis.

- 1.2 The limited waiting stand outside Peacocks is not used by taxis so the intention is to 'revoke' the position and form ('appoint') a new stand in the middle of Fore Street, close to the Reel Cinema and town post office. This is near to where there previously was a taxi stand, before it was removed when Devon County Council (DCC) redesigned the Fore Street traffic flow. It is now proposed to reinstate the stand, albeit in a slightly different position.

- 1.3 DCC have already carried out consultations for the proposed new rank near to the post office and cinema and will finance the necessary traffic Order, road markings and signage.

- 1.4 Although DCC write the no parking (except for taxis) traffic Order for the taxi stand, there is an additional requirement for the District Council to formally 'appoint' the stand. This will enable Fixed Penalty Notices to be issued by Civil Enforcement Officers to any non-taxis parked on the stand in contravention of the traffic Order.

- 1.5 As the District Council is required to advertise proposals to 'appoint' and 'revoke' stands in Kingsbridge, it would also be sensible to 're-appoint' the remaining stands in the South Hams so to update the Civil Enforcement Officers authority.

2. PROCEDURE or ISSUES FOR CONSIDERATION

- 2.1 Section 63(1) of the Local Government (Miscellaneous Provisions) Act 1976 states that: 'a District Council may from time to time appoint stands for hackney carriages for the whole or any part of the day on any highway maintained at public expense and, with the consent of the owner, on any other land and from time to time, the Council may also alter or revoke any stand so appointed.
- 2.2 These powers do not allow the Council to appoint stands:
- so as to unreasonably prevent access to premises;
 - so as to impede the use of bus stops or unreasonably interfere with access to passenger road transport operator's stations or depots.
 - on the highway without the consent of the highway authority.
- 2.3 Before exercising its powers, the Council must give notice to the Police and publish the proposal in at least one local newspaper allowing 28 days for objections or representations to be made.

3. LEGAL IMPLICATIONS

- 3.1 There is no right of appeal regarding the designation or amendment of a taxi rank.
- 3.2 The Council is legally required to consult with both the Devon County Council (as the Highways Authority) and the Devon and Cornwall Constabulary. Both the County Council and the Police have indicated that they support the taxi rank provision. The Licensing Office has also had discussions with bus operators and shop proprietors who may be affected by the proposals. The discussions have not resulted in any issues or objections.
- 3.3 It is an offence for any person without reasonable cause to permit any vehicle other than a hackney carriage to wait on a hackney carriage stand.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications to the Council other than advertising costs which will be approximately £400 and will be covered by existing funds in the taxi licensing budget.'

5 RISK MANAGEMENT

5.1 The risk management implications are:

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| Corporate priorities engaged: | Improving the local economy and promoting community life. |
| Statutory powers: | Local Government (Miscellaneous Provisions) Act 1976 Section 63 The Town Police Clauses Act 1847 |
| Considerations of equality and human rights: | Compliance with the Human Rights Act 1998 |
| Biodiversity considerations: | Not applicable |
| Sustainability considerations: | As above under corporate priorities engaged |
| Crime and disorder implications: | Section 17 of Crime and Disorder Act 1998 applies. |
| Background papers: | South Hams District Council Conditions of Licence for Hackney Carriage Vehicles/Drivers and Private Hire Vehicles/Drivers/Operators (blue book – March 1999). South Hams District Council Hackney Carriage Byelaws (1988) |
| Appendices attached: | Appendix A – Location of proposed and existing taxi stands. |

| No | Risk Title | Risk/Opportunity Description | Inherent risk status | | | Mitigating & Management actions | Ownership |
|----|---|---|----------------------------|----------------------------|------------------------------------|---|--------------------------|
| | | | Impact of negative outcome | Chance of negative outcome | Risk score and direction of travel | | |
| 1 | If taxi stands are not correctly 'appointed' by the District Council and motorist park on them, then Civil Enforcement Officers will not be able to issue Fixed Penalty Notices to the offending motorists. | <p>An opportunity to update the legislative requirements for all the taxi stand in the South Hams, to 'appoint' the new rank, 'revoke' the rank not being used and to 'appoint' (re-appoint) all other existing stands.</p> <p>There is no appeal against the Licensing Committee Decision.</p> | 3 | 2 | 6 ↔ | <p>The matter is being listed before the full Licensing Committee.</p> <p>It will be formally advertised for anybody to comment.</p> <p>If there are objections which are not withdrawn or satisfactory resolved the matter will be referred back to the Licensing Committee.</p> | Business Support Manager |

Appendix A

To appoint a taxi stand:

(No waiting at any time except taxis – 24 hrs)

Kingsbridge: to appoint a stand on the west side of Fore Street outside The Shambles from a point 30 meters north of White Hart Passage for a distance of 5 meters in a northerly direction.

To re-appoint taxi stands:

(No waiting at any time except taxis – 24 hrs)

Kingsbridge: to re-appoint a stand on the south side of Lime Grove alongside Morrisons supermarket from a point 85 meters west of its junction with Cookworthy Road for a distance of 17 meters in a westerly direction.

Kingsbridge: to re-appoint an area in the north corner of Kingsbridge Bus Station for 5 vehicles for a distance of 13.1 meters alongside the pavement on the east side.

Dartmouth: to re-appoint a stand on South Embankment on the east side of the road outside Station Restaurant from a point 92 meters north of its junction with Hauley Road for a distance of 22 meters in a northerly direction.

Ivybridge: to re-appoint an area in the centre of Glanvilles Mill Car Park spaces for 5 vehicles each space measuring 2.4 meters x 4.8 meters and adjacent to each other.

Totnes: to re-appoint a stand on The Plains on the west side of the road from a point 18 meters south of its junction with Fore Street for a distance of 10 meters in a southerly direction

Totnes: to re-appoint a stand on The Plains on the east side of the road from a point 38 meters south of its junction with Bridgetown for a distance of 6 meters in a southerly direction.

Totnes: to re-appoint a stand on The Plains on the west side of the road from a point 3 meters south of its junction with Ticklemore Street for a distance of 10 meters in a southerly direction.

Totnes Railway Station: to reappoint a stand on the northwest side of the station approach road from a point 169 meters in a north-easterly direction from its junction with the A385 Station Road for a distance of 26 meters in north-easterly direction bending at the end in a northerly direction.