

Report to: **Licensing Committee**

Date: **8th November 2018**

Title: **Determination on appointment of a new taxi stand at Clifton Place, Salcombe, following consultation**

Portfolio Area: **Customer First**

Wards Affected: **All**

Relevant Scrutiny Committee:

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken:

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Recommendations:

- 1. That the Committee considers the proposal by Devon County Council for a hackney carriage stand to be appointed at Clifton Place, Salcombe, which would restrict parking in the area to taxis only.**
- 2. That the Committee considers the representations received from members of the public during the consultation period.**
- 3. That, having considered the proposal and representations, the Committee makes a decision on whether to appoint the proposed taxi stand at Clifton Place, Salcombe, under s.63 of the Local Government (Miscellaneous Provisions) Act 1976.**

1. Executive summary

- 1.1 In July 2018 the Devon County Council Highways Traffic Orders Committee (HATOC) (South Hams) determined to adopt a new Traffic Regulation Order (TRO) creating a No Waiting except for Taxis bay on Clifton Place, Salcombe. See Appendix A.
- 1.2 Whilst a TRO can restrict parking to taxis only it does not mean that the parking bay is a hackney carriage stand as defined by the Local Government (Miscellaneous Provisions) Act (LGMPA) 1976. Only the Licensing Authority may adopt a hackney carriage stand, following the completion of a 28 day consultation with the public and the Police.
- 1.3 Within their notification to the Licensing Authority, Devon County Council informed us that the original request for the hackney carriage stand at this location was received from Salcombe Town Council. The reason given for their approval of the TRO was 'to address the needs of the elderly and visitors.'

2. Background

- 2.1 Section 63(1) of the LGMPA 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.' 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 will not 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.
- 2.4 On 23rd August 2018, the Licensing Committee agreed to the commencement of the 28 day consultation on this proposal. Due to the proximity of the stand to residential properties, the Committee requested that the Licensing Department consult local residents directly by notifying those residing in the vicinity. This was carried out in addition to the statutory requirements of consulting the Police and placing a local newspaper advertisement.
- 2.5 Section 63(2) of the LGMPA 1976 states that: 'Before appointing any stand for hackney carriages or varying the number of hackney carriages to be at each stand in exercise of the powers of this section, a district council... shall take into consideration any objections or representations in respect of such proposal which may

be made to them in writing within twenty-eight days of the first publication of such notice.'

- 2.6 During the consultation period, two representations were received. These are provided at Appendix B. The first is from a local business owner located in Clifton Place. Their concerns are that should the taxi stand be implemented, delivery drivers will park in front of their business blocking them from view and that if this does occur taxis using the stand will be blocked in.
- 2.7 Devon County Council HATOC (South Hams) approved the proposal for the hackney carriage stand and recommended that the hours of operation be from 11am until 1am. This would mean that the TRO will not be in effect during the most popular early morning delivery times. However, the objection received suggests that deliveries in this location are made throughout the day.
- 2.8 The second objection was received from a local resident and relates to emissions from vehicles when engines are left running. As can be seen, this representation refers to both delivery drivers as well as taxis and requests that 'the Council takes action to prohibit the running of engines of all stationary vehicles when using and accessing Clifton Place.' Our taxi licensing policy, which came into effect in April 2018, states that 'To help reduce their environmental impact, all hackney carriages stood at the rank should not have their engines running unnecessarily while waiting for a fare. Exception would be for the purposes of demisting the vehicle in order to achieve all round visibility to safely leave the taxi rank or for heating purposes on excessively cold days.' We would hope that licensed drivers would follow this policy. Should we receive information to the contrary we would consider whether the individual concerned was a 'fit and proper' person to be licensed. The Licensing Authority has no jurisdiction over delivery drivers.
- 2.9 The Licensing Senior Specialist consulted with the Salcombe Harbour Master due to the close proximity of the rank to the slipway on Clifton Place and the potential obstruction of the public's access to this slipway. The Harbour Master has confirmed that he has no objections.
- 2.10 No objections or comments were received from the Police.

3. Outcomes/outputs

- 3.2 Two objections have been received during the consultation period from members of the public, therefore the stand cannot automatically be deemed appointed. The Licensing Committee must consider whether these objections are relevant to the appointment of the stand.
- 3.3 Should the appointment be approved, the stand can be revoked using the same process as the adoption process.

3.4 Hackney carriage stands on the public highway must be marked out in accordance with the Traffic Signs Regulations and General Directions 2016 Schedule 7, Part 4 Item 5. Devon County Council have confirmed that they will action this on appointment of the stand by this authority.

4. Options available and consideration of risk

- 4.1 The provision of hackney carriage stands is an important part in ensuring an adequate supply of taxis in the district and adequate access for the vulnerable in the area.
- 4.2 There are currently no taxi stands in Salcombe and due to the pressures on off-street and on-street parking there is limited opportunity for a bay.
- 4.3 There is no appeal against the adoption of a taxi rank that has been duly made, however the Licensing Authority can revoke a taxi stand using the same provisions as stated above if a significant problem did arise.

5. Proposed Way Forward

- 5.1 That the Committee having considered the request made by Devon County Council for a new taxi stand at Clifton Place, Salcombe and the objections received during the consultation period, determine to either:-
 - a. Approve the appointment of a taxi stand at Clifton Place, Salcombe;
 - b. Refuse to appoint the taxi stand.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		<p>There is no right of appeal regarding the designation or amendment of a taxi rank.</p> <p>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.</p> <p>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.</p>
Financial		There is a cost to the local authority of advertising

		the proposed taxi rank, this cost is covered by the charges imposed on taxi vehicle owners through the licensing fee.
Risk		Failure to provide sufficient taxi ranks could lead to vulnerable users being unable to access taxis, although they could still be pre-booked.
Comprehensive Impact Assessment Implications		
Equality and Diversity		None foreseen.
Safeguarding		None foreseen.
Community Safety, Crime and Disorder		None foreseen
Health, Safety and Wellbeing		None foreseen
Other implications		None foreseen

Supporting Information

Appendices:

Appendix A: Devon County Council map showing location of the proposed taxi stand

Appendix B: Objections received

Appendix C: Map of Salcombe and photographs of the proposed location

Background Papers:

Agenda and Minutes of the South Hams HATOC meeting of Friday 6th July 2018

Request from Devon County Council Highways to commence process of appointing taxi stand