

Report to: **Licensing Committee**

Date: **23rd August 2018**

Title: **Agreement to consult on the advertising and adoption of a new taxi rank at Clifton Place, Salcombe.**

Portfolio Area: **Customer First**

Wards Affected: **All**

Relevant Scrutiny Committee:

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

Date next steps can be taken:

Author: James Kershaw Role: **Senior Specialist**

Contact: **Tel: 01803 861287**
email: james.kershaw@swdevon.gov.uk

Recommendations:

1. That the Committee considers the proposal by Devon County Council to adopt a Road Traffic Order in Clifton Place Salcombe, which would restrict parking in the area to Taxis only.
2. Having considered the proposal that the committee resolves to exercise the Council's powers under s.63 of the Local Government (Miscellaneous Provisions) Act 1976, to consult the public and Chief of Police on a new taxi stand as defined by the act on Clifton Place, Salcombe.
3. If no written representation or objection is received relating to the notice published in accordance with (2) above within the 28 days period following the publication of that notice, or received and subsequently withdrawn, the taxi stand referred to in paragraph 1 of this recommendation be deemed appointed.
4. Any representation or objections to the proposed stand will be brought back to this committee for determination as to their relevance.

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 1976. Adopting a hackney carriage stand can only be done by the Licensing Authority having carried out a statutory consultation exercise with the public and the Police.

2. Background

- 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.' 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.

3. Outcomes/outputs

- 3.1 Having received a request from the HATOC (South Hams) to consider the appointment of a new taxi stand on Clifton Place, Salcombe, and with agreement of committee, the Council would need to place an advert in a local newspaper advertising the intention to appoint the stand. This would allow the public 28 days to raise objections to the proposal. Objections would be pertinent if they raised concerns that a stand would cause an obstruction to premises or buses or any other public service vehicles.
- 3.2 Having reviewed the proposed location the Licensing Specialist consulted with Salcombe Harbour Master due to the close proximity of the rank to the slipway on Clifton Place and the potential obstruction that a taxi rank in this location may have on the public's

access to this slipway. The Harbour Master has confirmed that he has no objections.

- 3.3 Should no objections be received to the public consultation or from the Police, the stand would be deemed appointed. Should objections be received, this committee would need to hear and determine whether they are relevant to the appointment of the stand.
- 3.4 Once appointed, the stand can be revoked using the same process as the adoption process.
- 3.5 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 this will be done by themselves 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 ensuring adequate access for the vulnerable in society.
- 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 determine to either:-
 - a. Approve the commencement of a statutory consultation period of no less than 28 days to appoint the taxi stand
 - b. refuse to appoint the taxi stand due to the potential obstructions that may arise due to its location.

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. 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.</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		<p>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.</p>
Risk		<p>Failure to provide sufficient taxi ranks could lead to vulnerable users being unable to access taxis. Although they could still be pre-booked.</p>
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: Map showing location of the proposed taxi stand

Background Papers:

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed	Yes
SLT Rep briefed	Yes/No
Relevant Exec Director sign off (draft)	Yes/No
Data protection issues considered	Yes/No
If exempt information, public (part 1) report also drafted. (Cabinet/Scrutiny)	Yes/No