

## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No. 8

meeting date: 1 NOVEMBER 2016  
 title: HACKNEY CARRIAGE STANDS  
 submitted by: CHIEF EXECUTIVE  
 principal author: MAIR HILL

### 1 PURPOSE

1.1 To seek Committee's views on the creation of Hackney Carriage Stands.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives - }
- Corporate Priorities - } Consideration of these issues will promote the Council's aim to be a well-managed Council.
- Other Considerations - }

### 2 BACKGROUND

2.1 The Council licenses two types of vehicles, private hire and hackney carriage. One of the distinguishing features of Hackney Carriages is that they can 'rank up'. Hackney carriages can wait at approved ranks, referred to as 'stands' in the legislation, and await the arrival of the hirer.

2.2 At the taxi meeting held in September, a request was made for additional hackney carriage stands to be created. The specific areas referred to were:

- Accrington Road, Whalley
- Train Station, Clitheroe (outside of bus times)
- Market Place, Clitheroe (opposite the existing temporary stand)

2.3 These proposals were sent to Lancashire County Council (as Highway Authority) ("**LCC**") for comment. The response received from LCC was:

- LCC as the Highway Authority is in the process of creating a new traffic order for Whalley. This is due to go to Committee in November 2016. If approved this order will create a loading bay on Accrington Road outside Rendez Vous night club between the hours of 8am and 6pm. It is suggested that this may be an appropriate space to create a temporary taxi rank outside of those hours. This will not however be possible until the traffic order has been implemented.

- There was no issue in principle with the creation of a stand in this location so long as it was outside of the hours buses operate. This is to be raised at the traffic liaison meeting, on 17 November 2016, by the Council's Head of Engineering Services.
- LCC was about to begin the process of review its traffic order for the whole of Castle Street, Market Place and York Street in Clitheroe and it was suggested that any change to Hackney Stands be incorporated in this review. Again this is to be raised at the next traffic liaison meeting.

2.4 The proposals were also discussed with the local police officers who response was positive.

### 3 ISSUES

3.1 Should Committee wish to progress this the creation of any additional Hackney Carriage stands, it must do so pursuant to its powers under Section 63 of the Local Government (Miscellaneous provisions) Act 1976 ("**Act**").

3.2 Section 63 of the Act provides that "(1)...*a district Council may from time to time appoint stands for hackney carriages for the whole or any part of a day in any highway in the district which is maintainable at the public expense and, with the consent of the owner, on any land in the district which does not form part of a highway so maintainable and may from time to time vary the number of hackney carriages permitted to be at each stand*

*(2) 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 give notice to the chief of police for the police area in which the stand is to be situated and shall also give public notice of the proposal by advertisement in at least one local newspaper circulating in the district and 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.*

*(3) Nothing, in this section shall empower a district council to appoint any such stand –*  
*(a) So as unreasonably to prevent access to any premises;*  
*(b) So as to impede the use of any points authorised to be used in connection with a [local service within the meaning of the Transport Act 1985] [or PSV operator's licence granted under [the Public Passenger Vehicles Act 1981]], as points for the taking up or setting down of passengers, or in such a position as to interfere unreasonably with access to any station or depot of any passenger road transport operators, except with the consent of those operators;*  
*(c) On any highway **except with the consent of the highway authority;***

*And in deciding the position of stands a district council shall have regard to the regard to the position of any bus stops for the time being in use". [Emphasis added]*

3.3 As can be seen from the legislation set out above the Council would need to give notice to the chief of police for this area before appointing any additional hackney carriage stands and would not be able to do so on any highway except with the consent of the highway authority.

3.4 It is proposed that in light of the comments received from LCC, the Council should:

- Reconsider and if appropriate create a temporary Hackney Carriage Stand on Accrington Road, Whalley, once the new traffic order has been implemented by LCC and the loading bay is in existence;
- Create a temporary Hackney Carriage Stand outside the train station in Clitheroe; and
- Work with LCC in its review of the traffic order for Castle Street, Market Place and York Street and subsequently create any additional/vary any existing Hackney Carriage strands if identified as necessary by the review.

#### 4. RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – resources will be expended if the matter is to be progressed, and there will be a cost to advertising the notice and consulting.
- Technical, Environmental and Legal – No implications identified.
- Political – No implications identified.
- Reputation – Improved public safety will enhance the Council's reputation.
- Equality & Diversity –No implications identified

#### 5. **RECOMMENDED THAT COMMITTEE**

5.1 Authorise the Council's Head of Democratic Services to take the steps identified at paragraph 3.4 above.

MAIR HILL  
SOLICITOR

MARSHAL SCOTT  
CHIEF EXECUTIVE

BACKGROUND PAPERS

For further information please ask for Mair Hill, extension 3216

REF: MJH/Licensing Committee/1 November 2016