

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No. 9

meeting date: 13 JUNE 2017
 title: HACKNEY CARRIAGE STANDS
 submitted by: CHIEF EXECUTIVE
 principal author: MAIR HILL

1 PURPOSE

1.1 To seek Committee's approval for the creation of 2 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 Rendezvous 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.

- 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.

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

2.5 Committee resolved that the matter should be progressed with those three sites. Since that date however there has been a reorganisation within Lancashire County Council which appears to have delayed matters. The loading bay has not yet been constructed in Whalley outside of Rendezvous, and the review of the traffic order in Clitheroe has not taken place and is unlikely to be completed in the near future.

3 ISSUES

3.1 It is proposed therefore that the Council should proceed to make the Order relating to the area outside of the platform gallery and on the market place in Clitheroe, without waiting for the traffic order review to be carried out by Lancashire County Council. This would be for 2 taxis outside of the platform gallery and 3 in the market place.

3.2 It is also proposed that the Order relating to the area outside of the platform gallery be a 24 hour order rather than just outside of the hours when buses are running. This is on the basis that there is sufficient space for a 2 car taxi stand to be marked on that area which would not interfere with the running of the buses, and that there is a need for a taxi stand in closer proximity to the station. Currently, members of the public park their cars on that area and there are no restrictions on them doing so.

3.3 Should Committee wish to progress 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 A draft notice has been prepared and is enclosed at **Appendix 1** to this report. The notice sets out the number of taxis permitted on the stands and attaches plan indicating the location of the proposed stands.

3.4 Committee is requested to consider the proposal and authorise to the Head of Legal and Democratic Services to seek formal consent from Lancashire County Council; and if and when this is obtained proceed to publish the notice as required under Section 63(2) of the Act. Any objection received to the notice would be reported back to Committee for consideration.

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 Head of Legal and Democratic Services to seek formal consent from Lancashire County Council for making of the Order as set out in **Appendix 1**;

5.2 Authorise the Head of Legal and Democratic Services (if and when consent is received from Lancashire County Council pursuant to 5.1 above) to take all steps required to give formal notice of the proposed Order.

MAIR HILL
SOLICITOR
BACKGROUND PAPERS

MARSHAL SCOTT
CHIEF EXECUTIVE

For further information please ask for Mair Hill, extension 3216
REF: MJH/Licensing Committee/13 June 2017

Appendix 1



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

Notice Pursuant to Section 63 of the Local Government (miscellaneous provisions) Act 1976 for the appointment of Hackney Carriage Stands

NOTICE is hereby given that, pursuant to Section 63 of the Local Government

(Miscellaneous Provisions) Act 1976, Ribble Valley Borough Council proposes make an Order to appoint a stand for 3 hackney carriage vehicles in the Market Place, Clitheroe, and 2 hackney carriage vehicles on Station Road, Clitheroe Ribble Valley as shown outlined in red on the attached Plan.

The stand in the Market place will operate between the hours of 10pm and 2am.

The stand on Station Road will operate 24 hours per day.

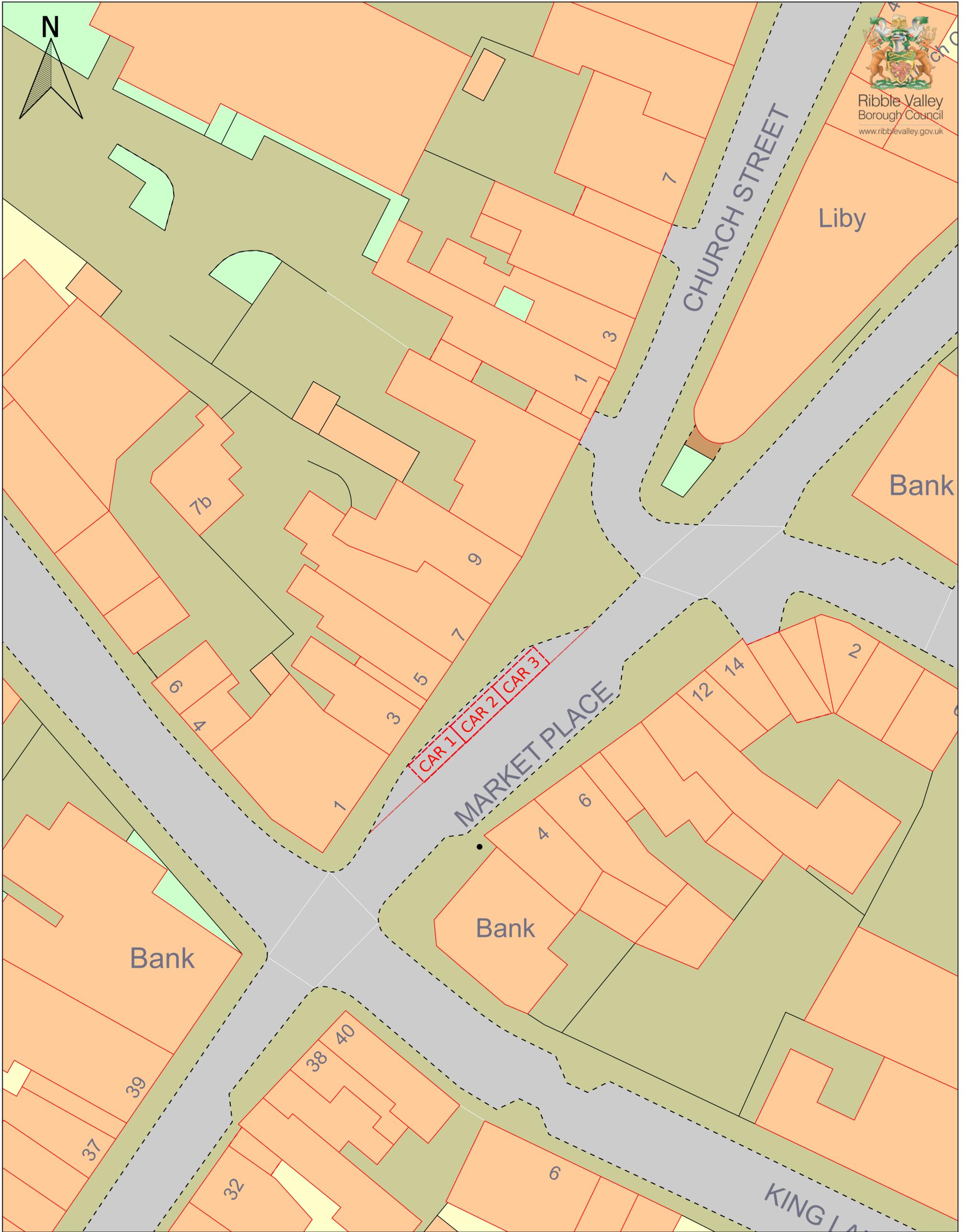
A copy of the Notice and Plan may be inspected free of charge at Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe, Lancashire BB7 2RA between 9.00am and 5.00pm, Monday to Friday (excluding bank holidays and public holidays). A copy may also be viewed by visiting www.ribblevalley.gov.uk

Any person wishing to object to the proposed Order should send a statement in writing of their objections and the grounds thereof either by post to Chief Executive, Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA or by email to licensing@ribblevalley.gov.uk by [date]2017 (within 28 days of the date of this Notice).

Persons objecting to the proposed Order should be aware that this Council would be legally obliged to make any comments received in response to this Notice open to public inspection.

Dated: [date] 2017

Marshal Scott, Chief Executive, Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA.

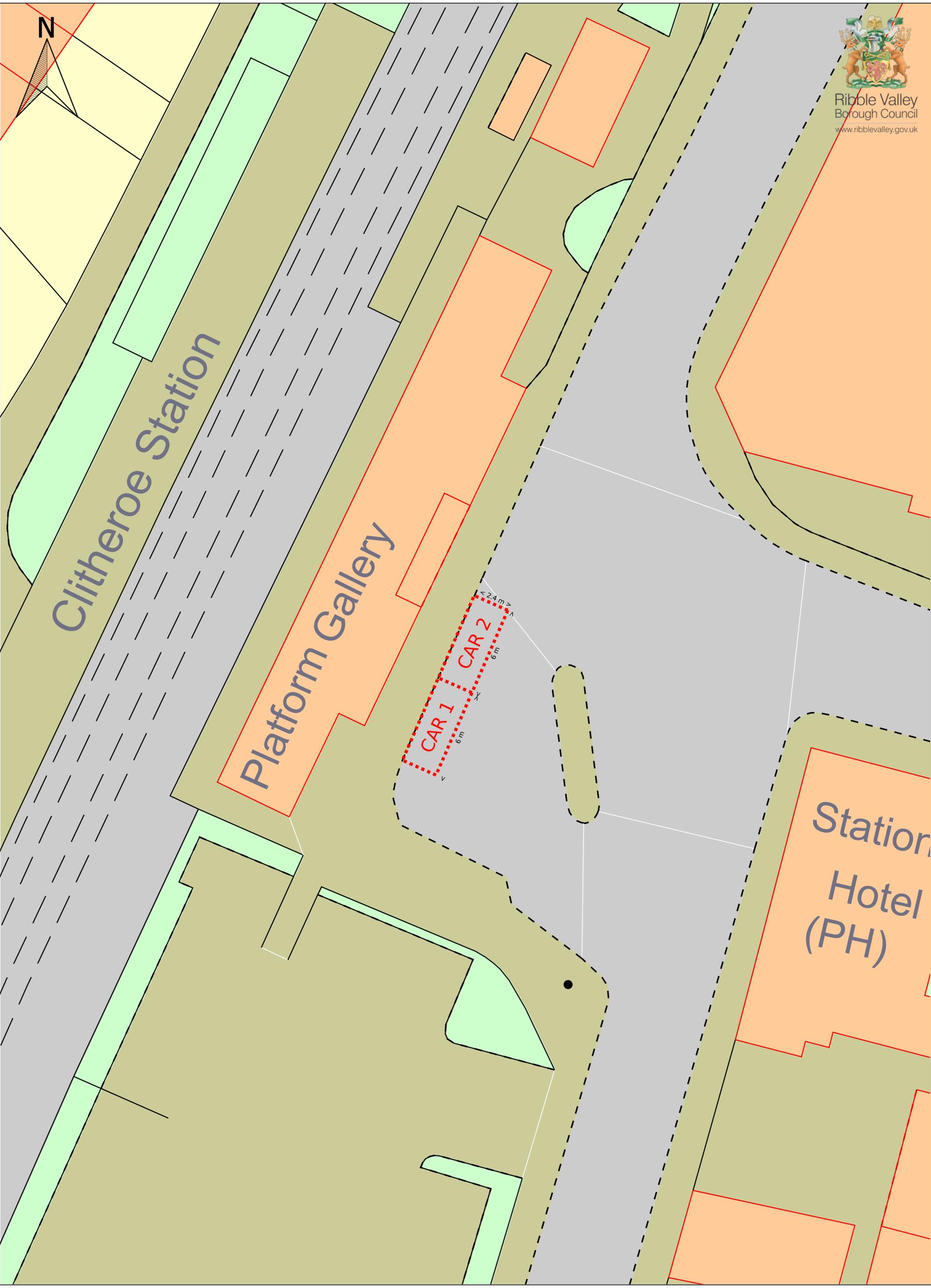


Key
 [Red dashed line] 6m x 2.4 m
 [Red solid line] Existing Bus Stop Line

Scale: 1:250

Date: 25 May 2017

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Scale:1:155

Date: 25 May 2017