



## North Devon Council

Report Date: 10 November 2024

Topic: Hackney Carriage Rank Review

Report by: Katy Nicholls, Lead Officer Commercial Regulation

### 1. INTRODUCTION

- 1.1 On the 14 May 2024 Members of the Licensing and Community Safety Committee considered a number of proposed amendments in respect of taxi ranks, received by way of a request from Devon County Council Highways. A list of proposed amendments was formulated during the meeting with instruction to proceed in consulting the taxi trade.
- 1.2 Consultation with the taxi trade has now been undertaken.
- 1.3 The purpose of this report is to update Members on the results of the consultation exercise and to seek to gain a decision on the next stage of the rank amendment process.

### 2. RECOMMENDATIONS

- 2.1 It is **RECOMMENDED** that Licensing and Community Safety Committee:
  - 2.1.1 Consider the responses (**Appendix A**) received from the taxi trade in response to the consultation on the proposed taxi rank amendments found on maps at **Appendix B** and listed at **Appendix C**.
  - 2.1.2 Determine whether to make any suggested amendments as a result of the informal consultation with the taxi trade.
  - 2.1.3 Determine whether to make any onward recommendation to Strategy and Resources with regard further advertising of the proposals for amendment of the hackney carriage ranks in line with Section 63 of the Local Government (Miscellaneous Provisions) Act 1976.

### 3. REASONS FOR RECOMMENDATIONS

- 3.1 To comply with relevant legislation.

- 3.2 To take into consideration those comments received from the taxi trade.
- 3.3 Taxi rank amendments to increase public clarity via proposed changes from 'no waiting other than taxis to 'no stopping' will assist officers from Devon County Council (DCC) in undertaking enforcement. Moreover, suggestions made to amend rank locations will help to ensure that ranks are located in areas that will be best utilised to serve members of the public.

#### 4. REPORT

- 4.1 North Devon Council has powers available under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 to approve hackney carriage ranks (also known as stands) on the public highway. Ranks for taxis may either be on public highways or private land, they can be for continual or part time use. The district council can also determine the number of hackney carriages that can use a stand and has the power to vary the numbers. If the land is to be on the public highway the consent of the highway authority is required.
- 4.2 The above process requires that notice must be given to the Chief Officer of Police, and should proposed changes be approved a notice be published in a local newspaper. If no written objection or representation is received relating to the above notice within the 28 day period following advertisement, rank amendments will be deemed appointed. Should any objections be received and not withdrawn the matter would then need to be returned for further reconsideration by members.
- 4.3 Although the district council has the responsibility to appoint ranks it has to be done with the approval of the Highway Authority. Before a rank can come into use the Highway Authority needs to designate the rank with a traffic order and have it signed and marked on the highway. This involves a considerable cost to implement, and the costs of amendment to traffic orders and marking the highway are proposed to be undertaken by Devon County Highways in this instance as part of a wider review.
- 4.4 The plans to amend hackney carriage ranks in the district are largely to improve signage and markings and associated enforceability of the ranks and additionally amendments are proposed in Ilfracombe in terms of their location to better serve the community.
- 4.5 During the meeting of the Licensing and Community Safety Committee on the 14 May 2024 a number of proposals were agreed. Subsequently taxi drivers were consulted on the proposals (28 May - 1 July 2024). Four responses to the proposals were received, these are appended to the report at **Appendix A**.

- 4.6 It should be noted that the Town Centre Manager for Barnstaple was furnished with the proposals and is in support of the proposed removal of the rank at Butchers Row; this will link in with the wider development project at this location. No other concerns in respect of the rank amendments at other locations in Barnstaple were raised by the Town Centre Manager.
- 4.7 The comments received from the taxi trade fall into the following categories:
- 4.7.1 Full support for the taxi rank locations being amended as proposed in Ilfracombe.
  - 4.7.2 Proposals to amend the timings of the Barton Road, Woolacombe rank from 10pm-6am to 6pm-6am in line with purported delivery times in this location.
  - 4.7.3 Concern over the rank on the Esplanade, Woolacombe due to its proximity to its junction and the make-up of the kerb being alleged to be an uneven grazed surface.
  - 4.7.4 Proposal to amend the rank from the Esplanade, Woolacombe to the road adjacent to The Red Barn, Barton Road, Woolacombe (opposite bus stop), being a one way road of greater width.
  - 4.7.5 Concerns over lack of enforcement with ranks being parked on by private vehicles (largely outside scope of this review as powers to enforce held by DCC).
- 4.8 In order to proceed with the rank amendments and to create them as official ranks there is a necessity for ranks to be approved according to the legislative provisions under the Local Government (Miscellaneous Provisions) Act 1976. Under a Traffic Regulation Order, whilst ranks may be enforced from a waiting or parking restriction perspective if the Licensing Authority does not create a rank according to the above provisions, they will not be hackney carriage stands within the meaning of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A76), hackney carriage byelaws or any other legislative provisions referring to hackney carriage stands. For example there would be no offence generated under Section 64 of the LG(MP)A76 , which makes it makes it an offence for any person to ‘cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages’.

## 5 FINANCIAL AND HUMAN RESOURCE IMPLICATIONS



- 5.1 There is an associated cost of advertising the above rank amendments in a local newspaper as required by the LGMPA76.

## **6 CONSTITUTIONAL CONTEXT**

- 6.1 Article of Part 3 Annexe 1 paragraph:4b.
- 6.2 Referred or delegated power?: delegated.

## **7 EQUALITIES ASSESSMENT**

- 7.1 An Equality Impact Assessment will be undertaken based upon the proposals agreed to be consulted upon prior to Strategy and Resources considering this item.

## **8 ENVIRONMENTAL ASSESSMENT**

- 8.1. An environmental assessment will be undertaken based upon the proposals agreed to be consulted upon prior to Strategy and Resources considering this item.

## **9 STATEMENT OF CONFIDENTIALITY**

- 9.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## **10 STATEMENT OF INTERNAL ADVICE**

- 10.1 The author (below) confirms that advice has been taken from all appropriate officers.

## **11 BACKGROUND PAPERS**

- Local Government (Miscellaneous Provisions) Act 1976.

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Date: 21 November 2024.