



North Devon Council

Report Date: 8 April 2025

Topic: Hackney Carriage Rank Review

Report by: Katy Nicholls, Lead Environmental Health Officer, Commercial Regulation

1. INTRODUCTION

- 1.1 On the 14 May 2024, and subsequently 10 December 2024, Members of the Licensing and Community Safety Committee considered a number of proposed amendments in respect of taxi ranks, originally received by way of a request from Devon County Council Highways.
- 1.2 Following the initial trade consultation, Members agreed that the only area over which they wished to undertake further consideration was in respect of ranks in Woolacombe. As such, a decision was made to consult with the taxi trade on the proposed options for Woolacombe ranks, namely either to:
 - (i) Consolidate the Woolacombe ranks and just have one new rank outside The Barn, Barton Road;
 - (ii) Keep the two existing ranks at the Esplanade and Barton Road and create a new rank outside The Barn, Barton Road; or
 - (iii) Keep the rank at the Esplanade and create a new one outside The Barn, Barton Road removing the existing one at Barton Road (further east up this road).
- 1.3 Consultation with the taxi trade, Police and Fire Authority with regard the Woolacombe ranks has now also been undertaken.
- 1.4 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 B**) received from the taxi trade in response to the consultation on their preference for changes to the Woolacombe ranks.
- 2.1.2 Make a recommendation to Full Council to instruct the Lead Environmental Health Officer Commercial Regulation to advertise proposals for amendment of the hackney carriage ranks in line with Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 as per those suggestions listed in **Appendix C** and shown on the map at **Appendix D**.

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.
- 3.4 Suggestions made to amend rank locations e.g. those in Ilfracombe will help to ensure that ranks are located in areas that will be best utilised to serve members of the public.
- 3.5 To take into consideration specific concerns and comments received from the taxi trade in respect of the standard of the kerb; rank position; proximity to function etc., of the exiting rank on the Esplanade, Woolacombe.
- 3.6 Devon County Council as Highways Authority support the proposed amendments. Moreover, the Fire Authority and Police have raised no concern in respect of the proposed amendments in Woolacombe.

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, this must 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. 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.
- 4.6 During a further meeting of 10 December 2024 Members then agreed that additional specific consultation be undertaken with the taxi trade in respect of the Woolacombe ranks. This was due to a number of concerns raised and a proposal received to amend the rank from the Esplanade, Woolacombe to outside of The Barn, Barton Road, Woolacombe (opposite bus stop), being a one way road, of greater width.
- 4.7 In terms of the consultation, taxi drivers were sent an email providing options for their reply, see **Appendix A**. There were eight responses from the taxi trade to this communication, of which six contained relevant comments. Full responses are contained at **Appendix B**.
- 4.8 The Police were consulted in respect of whether there were any relevant concerns, for which none were raised. Additionally, the Fire Authority were consulted in terms of whether they had any comments, given the location of the station and to ensure that there was no issue with access and egress of any fire appliance. The response gained was that the new proposed location outside of The Barn on Barton Road and originally suggested by the taxi trade:

'appears to provide sufficient road width for our appliance to pass and as you say taxi drivers are required to remain in their vehicles so can move quickly if required. This may be required if a bus is parked at the bus stop opposite. However, the appliance based in Woolacombe is smaller than a standard medium response pump, so this is also a factor.'

- 4.9 The following forms a summary of the replies to the consultation with the taxi trade (based upon 11 options available – see newsletter **at Appendix A**):

2.Remove rank on the Esplanade, place new 4 bay 24 hour rank outside of The Barn (Barton Road), retain existing 10pm -6am rank on Barton Road but make this available on a seasonal basis in peak times only (please comment on dates if so).

One driver cited this preference, but stated no dates. Also commented four bays likely to be excessive due to phone bookings. They suggest two bays (and one for loading and one for disabled).

3.Remove rank on the Esplanade, place new 4 bay 24 hour rank outside of The Barn (Barton Road), retain existing rank on Barton Road but amend its timing from 10pm – 6am to 6pm – 6am (or alternative timing please cite).

Three votes at:
4pm – 6am timing.
6pm – 6am timing.
4pm – 5am timing.
One driver cites that considering no night Club in Barton Road it would be of better use as a useable rank for disabled people who can't walk to The Barn.

4.Remove rank on the Esplanade, place new 4 bay 24 hour rank outside of The Barn (Barton Road), retain existing rank on Barton Road but amend its timing from 10pm – 6am to 6am -6pm and make this available on a seasonal basis in peak times only (please comment on dates if so).

One vote with no detail on timing.

5.Remove rank on the Esplanade, place

One vote.

new 4 bay rank outside of The Barn (Barton Road), and remove existing rank on Barton Road.

- 4.10 As such the majority of taxi drivers wish to remove the rank on the Esplanade, and instead place a new 4 bay 24 hour rank outside of The Barn (Barton Road), in addition to retaining the existing rank on Barton Road but amend its timing by way of increasing the current 10pm – 6am hours. There is no consensus on timing but trade suggestions include 4pm – 6am; 6pm – 6am; and 4pm – 5am.
- 4.11 Devon County Council has been requested to provide information pertaining to their preference. They have cited that in addition to supporting a new rank outside The Barn on Barton Road, they would be content with the bay in existing rank in Barton Road (plan 19) to remain and the timing be amended to 6pm-10am between 15th March and 31st October.
- 4.12 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.
- 4.13 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: Part 3 Function of Full Council
6.2 Referred or delegated power? No

7 EQUALITIES ASSESSMENT

7.1 An Equality Impact Assessment will be undertaken based upon the proposals agreed.

8 ENVIRONMENTAL ASSESSMENT

8.1. An environmental assessment will be undertaken based upon the proposals agreed.

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: 27 March 2025.