

Report to: Licensing and Enforcement Committee



Date of Meeting 8 May 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Review of taxi rank provision in East Devon and proposals for amendment

Report summary:

The Licensing and Enforcement Committee is asked to consider a request from Devon County Highways to undertake improvement and several amendments to taxi ranks within East Devon following a review of taxi rank provision across the District Council area.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That the Committee consider the proposals for improvement and amendment of East Devon Taxi ranks put forward by Devon County Council Highways and to consider the options contained in this report following consultation with the taxi trade.

1. To exercise the Council's powers under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 to approve moving to public consultation on the proposed amendments of the existing taxi ranks as set out in 1.2.1 to 1.2.5 of this report.
2. That the requisite public notice be given of the proposed appointment as required by Section 63(2) of the Local Government (Miscellaneous Provisions) Act 1976.
3. That if no written objection or representation is received relating to the notice given under Section 63 (2) of the Local Government (Miscellaneous Provisions) Act 1976 within the 28 day period following recommendation will be deemed appointed.
4. That following the appointment of the taxi ranks Devon County Council Highways Authority be requested to put in place the appropriate legal provisions and to mark out the ranks.
5. To indicate the support of East Devon District Council for the plans to upgrade the status of the ranks in Local Traffic Order Regulations, and to improve signage and markings as put forward by Devon County Council Licensing.

Reason for recommendation:

Devon County Council Highways have conducted a review of the taxi rank provision across the East Devon District and have submitted proposals to upgrade and amend the taxi rank provisions. East Devon District Council have consulted with the taxi trade and Members are asked to consider the responses from the consultation.

Officer: Phillippa Norsworthy, Licensing Manager, licensing@eastdevon.gov.uk

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets

- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk; [Click here](#) to enter text on risk considerations relating to your report.

Links to background information N/A

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

APPENDICES

APPENDIX A – Summary of taxi rank proposals.

APPENDIX B – Taxi Rank Proposals – Plans.

APPENDIX C – Copy of the consultation letter to HCD and Proprietors.

APPENDIX D - Table of Consultation Responses.

APPENDIX E – Example of Public Notice.

Report in full

1 Background

- 1.1.1 Officers from Devon County Highways have undertaken a review of the taxi rank provision in conjunction with East Devon District Council Licensing Authority and have submitted proposals for the upgrade and amendment of taxi rank provision in East Devon. A copy of the written proposals are attached at **APPENDIX A**, and in plan form at **APPENDIX B**.
- 1.2.1 The majority of the proposals are in respect of plans to upgrade the status of the ranks in local Traffic Regulation Orders and to improve marking and signage. Additionally, several proposals include recommendations for the amendment of existing taxi ranks as summarised below:
 - 1.2.2 Proposal 3: Victoria Road Exmouth: Removal of one car space on the existing taxi rank to facilitate a time-limited disabled space (as well as upgrade of the rank designation to 'no stopping at any time').
 - 1.2.3 Proposal 10: Marine Place Seaton: Removal of the existing rank to facilitate seafront development works, and relocation to Castle Hill. This proposal was previously fully consulted upon and approved and is due to be actioned shortly.
 - 1.2.4 Proposal 14: Silver Street, Axminster: Relocation of the existing rank to outside the bank in order to improve visibility of the rank (as well as upgrade of the rank designation to 'no stopping at any time')

- 1.2.5 Proposal 17: Mill Street Ottery St Mary: Removal of the taxi rank space and conversion to 'Limited Waiting Mon-Sat 9am-6pm 1 Hour No Return Within 2 Hours'.
- 1.2.6 On 15 November 2023, the Licensing and Enforcement Committee agreed for a consultation regarding the proposed upgrades and amendments to the East Devon's taxi ranks to take place with the hackney carriage drivers and proprietors.
- 1.2.7 A letter was duly forwarded to all hackney carriage drivers and proprietors advising them of the proposed amendments and asking them for their feedback and comments. A copy of the letter can be found at **APPENDIX C**. The consultation was in place from 27 November 2023 on 8 January 2024.
- 1.2.8 A total of eight responses, including a response from the East Devon Taxi Association with photographs were received and these were reviewed at the meeting of 13th March 2024.
- 1.2.9 At the last Committee meeting on 13th March 2024 it was also reported that Devon County Council Highways had indicated that their expectation was that following their amendment of the relevant traffic orders, that East Devon District Council would use the powers contained in Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 to remove the designation of these ranks under that legislation, on the basis that the ranks would be 'No Stopping At Any Time' for any vehicle other than a Licenced Hackney carriage. The view of Devon County Council Highways was that this status in the Traffic Regulation Order would be sufficient to enable enforcement on the ranks, particularly in that fixed penalty notices could be readily issued to non-licenced vehicles.
- 1.2.10 Following discussion on this matter, the Committee therefore directed Officers to investigate the potential impact of this scenario, and to liaise with Devon County Council Highways. Having looked into this further, Officers are of the opinion that whilst the Traffic Regulation Order can be utilised in such a way as to only permit Licenced Hackney Carriages to use the designated area, this would not have the effect in law of creating taxi ranks within the meaning of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, or the East Devon District Council Hackney Carriage Byelaws. Accordingly, the legal powers to regulate taxi ranks provided by those legislative provisions would no longer be applicable should the existing Hackney carriage ranks have their designation withdrawn under the powers conferred by Section 63 of the Local Government (Miscellaneous Provisions) Act 1976.
- 1.2.11 The removal of the formal taxi rank designation would particularly impact Byelaw number 7 of the East Devon District Council Hackney carriage Byelaws, which states the following requirement:
- 7 *The driver of a motorised hackney carriage shall, when plying for hire in any street and not actually hired: -*
- (a) *Proceed with reasonable speed to one of the stands appointed by virtue of Section 63 Local Government (Miscellaneous Provisions) Act 1976;*
- (b) *If a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;*
- (c) *on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and*
- (d) *From time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.*

In effect the removal of the formal taxi rank designation would render the above local Byelaw null and void, and necessitate prompt amendment of the Byelaws to ensure they remain valid.

2 Legal

- 2.1.1 Under Section 63(1) of the Local Government (Miscellaneous Provisions) Act 1976 the district council can appoint stands (ranks) for taxis either on public highways or private land and the stands 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. It also requires that notice must be given to the Chief Officer of Police.
- 2.1.2 Although the district council has the responsibility to appoint ranks it has to be done with the approval of the highway authority at Devon County Council. 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 full review of taxi rank provision in East Devon. There is also a financial implication for the district council through the need for a public notice outlining the proposal at a later stage in a local newspaper.
- 2.1.3 District (and City) Councils have a duty to provide taxi ranks for the taxi trade as licensed taxis need ranks from which to operate. Overall, the proposals if implemented as set out in **APPENDICES A** and **B** would result in the loss of one taxi rank space in Exmouth, and one in Ottery St Mary respectively, as well as the relocation of two taxi ranks, and is balanced against improved signage and marking proposals for taxi ranks across the District.

3 Post Consultation.

- 3.1.1 The outcome of the consultation has been reported back to the Licensing and Enforcement Committee to allow a decision as to whether to exercise the Council's powers under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976.
- 3.1.2 Should the Committee approve the proposed changes following the consultation, Section 63 (2) of the Local Government (Miscellaneous Provisions) Act 1976 requires that a public notice be placed in a local newspaper providing residents the opportunity to make representations. This can be found at **APPENDIX E**. Representations must be made within a 28-day period from the date of publication. Should any objections be received and not withdrawn the matter would then need to be returned for further reconsideration by members.

Financial implications:

"Advertisement costs for public notices (if subsequently applicable), and officer time will be met in full from Taxi/ Private Hire applications and renewal fees income.

Legal implications:

"The legal implications are set out within the report and require no further comment"