

Report to: **Licensing and Enforcement Committee**

Date of Meeting: 16 October 2019

Public Document: Yes

Exemption: None



Agenda item: 8

Subject: **Seaton Town Council's request to remove the taxi rank in Marine Place and to relocate it on Castle Hill, Seaton.**

Purpose of report: To consider accommodating the change needed for the redevelopment of Seaton town centre seafront.

Recommendation: **That the Committee consider the responses for relocating the Hackney Carriage rank from Marine Place to Castle Hill, Seaton and to approve the options contained in this report, namely;**

1. To exercise the Council's powers under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 to appoint the rank in Castle Hill, Seaton
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 the publication of that notice the rank subject of this recommendation will be deemed appointed.
4. That following the appointment of the taxi rank Devon County Council Highways Authority be requested to put in place the appropriate legal provisions and to mark out the rank

Reason for recommendation: The Town Council has made this request which will require a series of legal steps to be taken before adopting the change.

Officer: Steve Saunders, Licensing Manager

Financial implications: Advertisement costs for public notices and officer time

Legal implications: The legal implications are explained within the body of the report.

Equalities impact: Low Impact

Risk: Low Risk

Appendices:

Appendix A – Minutes of Seaton Town Council's request to relocating the taxi rank

Appendix B – Plan showing the location of taxi ranks

Appendix C – Consultation Response

Appendix D – Consultation Response

Link to Council Plan: Living in, working in, enjoying and funding this outstanding place

- 1 Background
- 1.1 The Licensing Authority received a request from Seaton Town Council for removal of the taxi rank currently sited on Marine Place, Seaton and for it to be relocated to Castle Hill, being a short distance on the same side of the road. A copy of Town Council's minutes of a meeting on 19th August requesting EDDC consult the taxi trade appears at **Appendix A**. The reason for this request is that Seaton seafront is being redeveloped to update the road layout including pedestrianisation and other alterations to enhance the area.
- 1.2 The existing taxi rank in Marine Place is one of four dedicated taxi ranks in Seaton having been formally adopted for that use in 2010 and provides two spaces for taxi vehicles. At present the hackney carriage ranks in Seaton are as follows:
 - (a) Marine Place 2 spaces
 - (b) Fore Street (west side of the road) 2 spaces
 - (c) Fore Street (east side of the road) 2 spaces
 - (d) Queen Street 1 space
- 1.3 The current taxi rank would be removed because of the redevelopment of the seafront area being proposed across a wider area of roads and highways than just Marine Place, hence the alterations requiring removal of the taxi rank from its existing place.
- 1.4 The redevelopment project is being managed by NDM Collins Architects of Seaton. A plan prepared by the architect showing the location of the existing taxi rank in Marine Place together with the proposed new site in Castle Hill appears in **Appendix B**. The new proposed location is on the same side of the road as Marine Place, being across the junction with Sea Hill and being a distance of less than 50 metres from the current and proposed location.
- 1.5 The relocated taxi rank will provide one space for a taxi vehicle and would be based at the start of a new bus stop bay that would see both the taxi rank and bus bays connected.
- 1.6 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 also 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.
- 1.7 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 also have it signed and marked on the highway. This involves a considerable cost to implement and the revised works are as a result of Seaton Town Council redeveloping the seafront with the Town Council meeting costs incurred by marking the new rank if approved. 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.
- 1.8 District (and City) Councils have a duty to provide taxi ranks for the taxi trade as licensed taxis need ranks from which to operate. If this rank is relocated there would still be four legally enforceable taxi ranks in Seaton. The proposed change by moving a rank of two vehicle spaces to a rank for one vehicle space still offers a taxi rank near to the seafront from which licensed hackney carriage drivers can operate their trade and which the public can still gain access to.

2 Devon County Highways Response

2.1 The Licensing Manager has sought the views of Devon County Highways Neighbourhood Highway Engineer and a response is still awaited. This work will require full engagement of Devon County Highways without which it will not be possible to proceed.

2.2 Mr Jeremy Upfield, Devon County Council's development management officer is closely involved with redevelopment project in conjunction with NDM Collins Architects and the Town Council. Planning application 17/0369/FUL has already been approved for work summarised as re-development of Seaton Esplanade including: pedestrianisation and alteration of levels; alterations to highway layout and associated highways works (including altered/new pedestrian crossings, relocated bus stops etc).

3 Update on Consultation of Local Taxi Proprietors

3.1 At the last meeting of the Licensing and Enforcement Committee members gave approval to consult the local taxi drivers who regularly use the rank in Seaton. This commenced from 19th September to 10th October for a period of three weeks.

3.2 A further week of the consultation remains at the time of preparing the report and to date two written responses have been received from taxi proprietors. Both proprietors referred to decreasing the number of current taxi rank spaces in the town regarding the proposal of removing one taxi space. The proprietor of Karen's Cars referred to the taxi rank that was removed from Beer in 2015 and the general problems of taxis being able to access and use existing ranks under **Appendix C**. The proprietor of ColyCabs was not against relocating the taxi rank although removing one vehicle space was considered an additional challenge outlined under **Appendix D**.

3.3 Although the consultation period is a relatively short period of time, the taxi trade in Seaton is aware of the redevelopment and any further responses that may be received up to 10th October will be included for the members to consider.

4 Next Steps

4.1 At the time of preparing this report the consultation with local taxi proprietors continues with two responses received. Details are awaited from the Devon County Neighbourhood Highway Engineer regarding the timescale to deliver the work regarding the taxi rank marking. The cost of changing the status of a taxi rank was considered to be in the region of £3,000 for the required traffic order in 2015 and in addition to this there would be the cost of the actual works on site. The district council has not budgeted for this work so the costs would need to be borne by Seaton Town Council under the redevelopment work.

4.2 The Licensing Manager had further contact with NDM Collins Architects of Seaton who outlined that the redevelopment work is proposed as imminent but without a confirmed start date and that the district councils costs for relocating the taxi rank would be included within the redevelopment project.

4.3 It is the Licensing Manager's view that the committee has two issues to consider. The first being, to consider accepting the Town Council's request to progress the overall seafront development, by agreeing the relocation of the rank having regard the all the circumstances. If the answer is not to approve the request there is no need to deliberate

further although that leaves the planned work at an advanced phase with a taxi rank that is being designed out under the plans that have been approved.

- 4.4 Without the support of the Highway Authority any changes agreed by this committee would merely leave the taxi's rank's position in limbo through not having the plan in place to introduce the new rank. This would be an unsatisfactory situation. That would leave neither a rank in the current location nor a designated taxi rank in the new location.
- 4.5 It is recommended that given all the circumstances explained in the report that the Town Council's request be approved and that approval be given for the public notice be placed in a local newspaper that provides local residents with the opportunity to make representations in relation to the proposal. Representations must be made within a 28 day period from the date of publication. Should any objections be received and not withdrawn this item will need to be returned for reconsideration by members.