

**REPORT TO: LICENSING COMMITTEE – 26th FEBRUARY 2010**

**REPORT BY: LICENSING MANAGER**

**REPORT AUTHOR: NICKII HUMPHREYS**

**Local Government (Miscellaneous Provisions) Act 1976  
Appointment of Hackney Carriage Stand – King Henry 1<sup>st</sup> Street**

## **1.0 Purpose of report**

The purpose of this report is for the Committee to consider an objection made in response to the public consultation to appoint a hackney carriage stand in King Henry 1<sup>st</sup> Street and to determine whether or not to appoint that stand. The matter has been referred to the Committee for determination at the request of the Ward Councillor acting on behalf of the objector.

## **2.0 Recommendation**

***RECOMMENDED: That, in accordance with section 63 of the Local Government (Miscellaneous Provisions) Act 1976, the Committee appoint a hackney carriage stand on the north side of King Henry 1<sup>st</sup> Street outside of the University Park Building with taxis accessing the rank along Exchange Road and queuing in a westerly direction around the circle outside of King Henry 1<sup>st</sup> Building and onto the rank.***

### **2.1 Reasons:**

***(1) The objections put forward for consideration by the Committee are based on irrelevant matters and conjecture.***

***(2) The proposed stand has received widespread support from:***

- other hackney carriage/private hire trade representatives;***
- the Chief Officer of Police;***
- the Highways Authority; and***
- the Chair of Portsmouth Pubwatch on behalf of licensed premises located in Guildhall Walk and King Henry 1<sup>st</sup> Street.***

***(3) Operating as an additional stand to that currently located in White Swan Road, it will assist with the dispersal of persons leaving licensed premises late at night and will complement and support the current experimental traffic order in Guildhall Walk.***

### **3.0 Legal Provisions**

Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 ("the Act") makes provision for licensing authorities to appoint stands for hackney carriages for the whole or any part of the day on the public highway or on private land with the consent of the owner.

Before appointing any stand for hackney carriages or varying the number of hackney carriages that may be accommodated at each stand, the Council must give notice to the Chief Officer of Police and also give public notice of the proposal by placing an advertisement in a local newspaper. Any objections or representations made in respect of the proposal must be made in writing and within 28 days of the publication of the notice and the Council must take into consideration any representations made before reaching a decision on the appointment or otherwise of a stand.

In undertaking its statutory function under this section of the Act, the Council must not appoint any stand which may prevent access to any premises or impede the use of any bus stops or bus stations/depots (except with the consent of the operators).

In addition, when appointing the stand, the Council must have the consent of the highway authority and must have regard to the position of any bus stops that are currently in use in the vicinity of the proposed stand.

### **4.0 Background Information**

On 19 March 2008 the Cabinet granted delegated authority to the Head of Transport and Street Management to implement an Experimental Traffic Order to close Guildhall Walk to all traffic, except emergency vehicles, every day between the hours of 6pm and 7am. This decision was taken having regard to the fact that reduction of alcohol related crime in the Guildhall area is a key priority for the Safer Portsmouth Partnership and that the Police had requested that Guildhall Walk be cleared of all vehicles so as to aid the flow of emergency vehicles, minimise accidents with pedestrians and prevent violence.

Various options relating to the relocation of the taxi stand were put forward as part of the report on the Experimental Order and on 4 June 2008 the Cabinet decided that officers, in consultation with the hackney carriage trade, should implement provision for a stand at the southern end of Guildhall Walk by the White Swan public house.

On 5 October 2009 the Cabinet considered a further report by the Head of Transport and Street Management about the Experimental Traffic Order. The Cabinet decided to continue with the Experimental Order subject to a final report being prepared for consideration on the future of the order in February/March 2010. In addition, your reporting officer was given delegated authority, subject to approval via the MIS consultation process, to publicly advertise proposals to introduce a new additional night-time hackney carriage stand in King Henry 1<sup>st</sup> Street.

It was made clear both in the MIS item and the public notice that the existing rank in White Swan Road would remain operational as the proposed additional rank in King Henry 1<sup>st</sup> Street is intended to operate as an alternative/overflow option for both the hackney carriage trade and members of the public.

As there were no objections to these proposals, public notice was duly given of the intention to appoint a new stand. A copy of the site plan showing the location of the proposed stand is attached as Appendix A.

## **5.0 Representations/objections received**

In response to the public consultation, a total of 3 letters were received, copies of which are attached as Appendix B. These consist of 2 letters of support and 1 objection.

The objection submitted by Mr Ian Ogilvie as hackney carriage trade representative covers a wide range of issues. He considers that another rank will be a waste of time, effort and money as he considers that modernisation will be needed in the area to support the use of the rank such as lighting, CCTV, line painting, erection of posts, barriers and the use of taxi marshalls. He considers that this money could be put to better use in modernising existing ranks and maybe the possibility of putting a new rank around the Fratton Park area. He believes that there is an ulterior motive for provision of the additional rank in that the existing rank in White Swan Road will be closed.

In addition, Councillor Fazackarley, in his capacity as ward councillor for Mr Ogilvie, has formally requested that this matter be determined by the Licensing Committee.

## **6.0 Comments of Licensing Manager**

The proposed additional taxi stand in King Henry 1<sup>st</sup> Street has received widespread support from the Police, Highways Authority, the licensed trade operating in Guildhall Walk and the hackney carriage and private hire trade representatives with the exception of Mr Ogilvie.

As outlined in paragraph 3.0, the Act sets out criteria which the Committee must have regard to when considering appointing a stand (ie it must not prevent access to any premises or impede the use of any bus stops or bus stations/depots (except with the consent of the operators) as well as having due regard to the position of any bus stops that are currently in use in the vicinity of the proposed stand.

Mr Ogilvie's objection does not mention any of the above criteria and focuses upon a perceived view that there is an ulterior motive for the appointment of an additional stand. This view is unsupported by any factual evidence and council officers and the Police have made it clear that there is no intention to seek approval to revoke the existing rank in White Swan Road.

Members should also be aware that in order for the Council to revoke any stands, it is necessary for formal public consultation to take place, at which point the hackney carriage trade could submit objections to any such proposals. Therefore, any reference to the closure of the White Swan Road stand is premature, lacks any evidential basis and is irrelevant to the proposal currently before the Committee.

Costs associated with the appointment of the stand will be limited to those essential works to bring the rank into operation and any such costs will be funded via the revenue received from the hackney carriage licence fees.

There are no plans to increase the lighting or CCTV in the area and equally the rank will not be supervised by taxi marshalls.

The Police have been fully involved in discussions with the taxi trade as regards this proposal and have offered no objections as regards crime and disorder issues.

Members should also exercise caution as regards the production of a petition to demonstrate support for this objection. As there is only limited information on the petition (the only wording on the form is "2<sup>nd</sup> Guildhall Rank – Representation in Council") it is possible that the hackney carriage drivers were not fully aware of the proposals or grounds for the objection when they signed the petition.

Finally, Members should also take into account that whilst the decision to appoint a stand or not rests with the Licensing Committee, the Cabinet have been appraised of the proposal for the additional stand as part of the overview of the Experimental Traffic Order and have not raised any concerns.

## **7.0 Appendices**

Appendix A – Copy of the site plan showing the location of the proposed stand in King Henry 1<sup>st</sup> Street.

Appendix B – Copy of the letter of objection.

  
Licensing Manager

There are no background papers associated with this report.



LICENSING SECTION  
LEGAL & DEMOCRATIC SERVICES

09 DEC 2009

Dear Nicky,

I would like to thank you for the kind offer of an extra rank at the north end of Guildhall walk. As you are aware, not so long ago myself and other representatives of the trade, protested very strongly about it being the sole rank in the Guildhall area, so other alternatives were sought that were suitable and agreeable to the Council Licensing, Police and ourselves, we have done this, and it is working very well, with just a few small tweaks it will be perfect.

So we feel that another rank to the north of the Guildhall area will be a waste of time, effort and as in most cases money, there will be a lot of modernisation needed in the area such as lighting, CCTV, line painting, erection of posts, barriers, and the use of taxi Marshalls. We feel this money could be put to better use in modernising existing ranks, and maybe the possibility of putting a new rank around the Fratton Park area, if you would like to talk to me about existing and new ranks, then I am at your service.

We would like to think that Council have the Taxi trade and the Public's best interest in mind, but we feel there is the possibility of an ulterior motive for this, such as wanting us to move up to the north end of the Guildhall in the future, and then closing the White Swan rank, which would then be the original plan we fought against. I hope that the comments made back then by the Council to listen to the people doing the job is still a consideration.

So therefore thank you but no thank you, I and the people whose signatures are attached regularly work the White Swan rank and object to this extra rank being situated at the north of the Guildhall walk area. If time had allowed I could have got a lot more signatures than I am submitting. Please accept these signatures as proof of consent to represent at future meetings.



Yours faithfully,

Ian Ogilvie.

2ND GUILDHALL  
RANK

REPRESENTATION IN COUNCIL

SIGNATURE	BADGE	PLATE
IAN OGILVIE	89	150
SIMON DINES	123	118
MARTIN SQUIRES	170	193
GARY ROONEY	357	25
EDWARD JENNINGS	264	97
DAVID BUTCHER	207	235
DAVID HUNGATE	95	209
STEPHEN WAIN	144	46
P.S. WILSON	138	237
Robert Dalry	12	116
Egon Mersin	45	24
W. Andrew	49	225
<del>W. Andrew</del>	341	36
Ron Dickinson	562	11
<del>W. Andrew</del>	227	26
<del>W. Andrew</del>	257	114
<del>W. Andrew</del>	114	130
<del>W. Andrew</del>	342	58
<del>W. Andrew</del>	666	95
<del>W. Andrew</del>	233	111
<del>W. Andrew</del>	285	63
<del>W. Andrew</del>	159	17
<del>W. Andrew</del>	180	1
<del>W. Andrew</del>	451	265
KERRY BURNIE	1503	56
Don Wades	18	94
<del>W. Andrew</del>	144	193
I. Kishan	528	149
B. McCloud	239	86
R. Brennan	3	188
<del>W. Andrew</del>	226	120
<del>W. Andrew</del>	328	126
<del>W. Andrew</del>	171	74

SIGNATURE	BADGE	Plate
A McCar	94	132
FIDIM NOICA	74	145
S. Hogg	7	23
J. Smith	72	31
J. King	9	92
P. White	540	49
G. D.	494	277
S. B. Baker	200	15
M. B. 10	296	79
M. W. Man	497	233
R. W. Williams	283	<del>23</del> 203
J. LAMBERT	917	242
	326	121
	124	143