

Title of meeting:	Licensing Committee
Date of meeting:	25 September 2020
Subject:	Local Government (Miscellaneous Provisions) Act 1976 - Consultation and Review of Hackney Carriage Stands
Report by:	Licensing Manager (in consultation with Transport Services and on behalf of the Head of Regeneration)
Wards affected:	All
Key decision:	No
Full Council decision:	No

1. Purpose of report

To consider hackney carriage trade proposals (from Mr Viv Young) for the appointment and/or variation of established hackney carriage stands in the city; together with proposals to revoke such stands now considered to be obsolete due to historical non-use.

To seek approval to recommend any subsequent appointments, variations or revocations of taxi stands to the Executive, appropriate cabinet member (or MIS) as appropriate.

(Note - these matters were deferred from previous consideration by the committee scheduled for 23 March 2020 and the up to date views of the highway authority are now incorporated.)

2. Recommendations

1. That the Licensing Committee notes the preliminary advice of both the Licensing Manager and highway authority on individual stand proposals as detailed in **Appendix 1**
2. That the Licensing Manager, together with appropriate officers of the highway authority, be authorised to formulate any final proposals for consideration by the Executive (or appropriate cabinet member/MIS as may be determined) by no later than 01 November 2020
3. That, as a consequence to 2 above, it is recommended that the City Solicitor be authorised to subsequently give formal public notice of such final proposals on behalf of the council as appropriate

3. **Background**

The Licensing Committee is responsible for determining the number of hackney carriages that may stand or ply for hire within the administrative area of the City of Portsmouth. The current limit has been set at 234 vehicles.

Drivers are compelled by the adopted byelaws to work only from established hackney carriage stands - which can be appointed on the highway or, with the consent of the land owner, on private land such as Gunwharf Quays or at railway station premises.

A driver can "cruise" an area of public resort and be flagged down without being in breach of the byelaws. Drivers cannot "over rank" at an established stand or form illegal ranks - although this does happen.

Alternatively, a hackney carriage driver can receive private hire work via an established and licensed operator without the need to work exclusively from an established taxi stand.

4. **Scheme of Delegation and Further Considerations**

The committee are not permitted to make binding decisions on the appointment or otherwise of taxi stands as this is a function of the Executive, not the council.

However, the current scheme of delegation and practice (from the adopted hackney carriage policy statement) states that the Licensing Committee "will receive trade proposals and to make such recommendations to the Cabinet" or appropriate cabinet member. This may be in support or indeed against the implementation of any taxi stand proposals.

The Chief Officer of Police and The Highway Authority must be consulted and give consent before any proposals can be formally advertised for public comment.

Taxi stands may be appointed for the whole or part of a day and any proposals are subject to formal public consultation within a 28 day period.

The council cannot appoint or vary a taxi stand so as to:

- Unreasonably prevent access to any premises
- Impede authorised pick up or setting down points for local PSV vehicles
- Unreasonably prevent access to a station or depot

And must have regard to any bus stops for "the time being in use".¹

¹ *The concept of utilising "shared use" spaces between buses and taxis in busy city areas has been established with the 9 car Osborne Road night time stand operational in the bus stop between 2330 and 0600 - it appears to work well with no reports of obstruction being received.*

A degree of caution should be exercised when considering any taxi stand proposals. This is reflected in the adopted statement of licensing policy as follows:

"2.2 The appointment (or otherwise) of taxi stands has historically been after receipt of a trade request and following the emergence of an area that has contributed to the late night economy or where a large commercial pub/club has become popular.

It will not be possible to appoint a stand in every requested area or location and experience has shown that areas of popularity within the city do change with a resultant loss of business at an appointed stand – which falls into subsequent disuse.

2.3 Conversely, there are other areas where the provision of taxi stand space is limited due to other road traffic usage (like Albert Road by the Kings Theatre) and evidence of “over ranking” in this very busy area takes place.

“Unofficial” stands are also used – Goldsmith Avenue on football match days and Park Road at night to service the Gunwharf Quays stand. Licensing staff do, on occasion, enforce the byelaws and the Police have issued fixed penalty tickets to drivers for obstruction offences. It is difficult however to provide staff resources to constantly tackle evidence of over ranking which is not seen as a high priority enforcement issue.

5. Enforcement Considerations

It is an offence for a vehicle (other than a hackney carriage) to wait on any approved taxi stand.

Accordingly, the highway authority is always requested to implement appropriate Traffic Regulation Orders (TRO) under the Road Traffic Regulations Act 1984 in order to prohibit illegal parking or waiting by private vehicles at established taxi stands.

The licensing service do monitor stands (particularly at night) and have carried out joint partnership working with traffic colleagues. Fixed penalty notices are issued to private cars (particularly in Albert Road) by CEO staff but problems with private vehicles parking within the confines of established taxi stands is still apparent.

6. Reasons for recommendations

To consider and facilitate trade requests for the revision of taxi stands within the city.

7. Equality impact assessment (EIA)

As this report and associated recommendations do not represent a change to existing policy, no IIA is necessary.

8. Legal Implications

The legal implications are contained within the body of the report together with advice as to the scheme of delegation for the appointment, variation and revocation of taxi stands.

9. Finance Comments

Any costs associated with future taxi stand proposals can be recovered from hackney carriage proprietors by way of subsequent approved vehicle licence fee adjustments in accordance with section 70, Local Government (Miscellaneous Provisions) Act 1976.

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 Signed by:

Appendices:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Local Government (Miscellaneous Provisions) Act 1976	Published work
Road Traffic Regulations Act 1984	Published work
Byelaws relating to the conduct of hackney carriages and their respective drivers	https://www.portsmouth.gov.uk/ext/documents-external/lic-taxi-byelaws.pdf

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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 Signed by: