

**LICENSING COMMITTEE
(NON LICENSING ACT 2003
FUNCTIONS)**

Agenda Item 7

Brighton & Hove City Council

Subject:	Hackney Carriage Stands
Date of Meeting:	30 June 2016
Report of:	Acting Director of Public Health
Contact Officer: Name:	Martin Seymour
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Wards Affected:	All

1. SUMMARY AND POLICY CONTEXT:

To advise members on hackney stand provision

2. RECOMMENDATIONS:

- 2.1 That committee notes the report

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The council licenses hackney carriage vehicles and private hire vehicles. The principal differences between the two licensing regimes are (i) hackney carriages can ply for hire in the streets and at taxi ranks (referred to as "stands" in legislation) whilst private hire vehicles can only accept bookings made through a private hire operator (ii) powers exist to limit the numbers of hackney carriages in prescribed circumstances but there is no power to limit the number of private hire vehicles (iii) the council prescribes fares for hackney carriages but has no power to determine fares for private hire bookings.
- 3.2 This council last reviewed its policy of quantity control of hackney carriages on 19 November 2015. At present council policy limits the number of hackney carriage vehicle licenses to 565 with 5 additional licenses issued annually in May.
- 3.3 Hackney Stands may be created by
- Byelaws made under TPCA 1847, s68
 - Local Government (Miscellaneous Provisions) Act 1976, s63
- But, since the introduction of the current parking regime in June 2001 stands made under the above legislation were decriminalised and the Council now creates stands using Traffic Regulation Orders.

- 3.4 Hackney carriage stands on the public highway must be marked out and signed in accordance with the Traffic Signs Regulations and General Directions 2002. In particular the road markings must be yellow.
- 3.5 Private Stands maybe created on land that does not form part of the highway but requires the consent of the owner to do so. Brighton Station is a Private Stand not appointed by the Council but allows proprietors to use its land to ply for hire by way of permit. Each permit currently costs £750pa. Mark Prior, Head of Transport, is chairing a meeting about Brighton station and surrounding area on the 20th June and an update from this meeting will be provided via Chair's communications at Licensing Committee on the 30th June.
- 3.6 Hackney Carriages Stands are important as they are the only legal place that they can wait for business whilst working and not carrying passengers. The need for stands needs to be constantly assessed as what may have been a busy well used stand three years ago may have fallen into disuse. Equally if ranks are not created in areas of demand hackney carriages create unofficial ranks giving rise to problems of congestion, obstruction of access to premises and bus stops, parking offences, local resident complaints and the fact that any unofficial stand is not itself protected solely for the use of hackney carriages.
- 3.7 The creation and deletion of stands is undertaken by the Environment, Transport and Sustainability Committee.
- 3.8 Following decriminalisation Officers from the Hackney Carriage Office have no powers to deal with vehicles including hackney carriage parked on stands this need to be carried out by Civil Enforcement Officers. This causes problems especially in late evenings and nights where the public use the stands which in turn cause problems with unofficial ranking elsewhere.
- 3.9 Byelaws that govern hackney carriages and use of stands state:

The driver of a 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 the Council which that hackney carriage is permitted to use;
 - (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 which that hackney carriage is permitted to use;
 - (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.

The enforcement of these byelaws is fraught with difficulty. What is reasonable speed, TRO appointed stands do not show the number of vehicles a stand is for so how are drivers or officers to know if a stand is full. A driver maybe taking a break, taking a phone call etc. All this would need to be established before an offence can be identified. Officers believe that no Council has successfully prosecuted drivers using these model byelaws which demonstrates the problems with the way that the legislation is drafted.

5 Related Issues

5. None

6. CONSULTATION

- 6.1 Hackney Carriage Stands is a standing item on the Hackney Carriage and Private Hire Consultation Forum agenda. Members of the forum include the hackney carriage and private hire trade, Unions, Sussex Police, Brighton & Hove Bus Company, Disability Groups and Officers of the Council including Officers from Highways.

7. FINANCIAL & OTHER IMPLICATIONS:

This report is for information only, so there are no financial implications.

Finance Officer Consulted: Mike Bentley Date: 18/05/16

Legal Implication.

- 7.2 These are dealt with in the body of the report. The report is only for information and so carries no implications.

Lawyer: Rebecca Siddell Date: 26/05/2016

Equalities Implications:

- 7.3 The Department of Transport had planned to make taxi accessibility regulations under the Equality Act 2010 but these have yet to be enacted.

Sustainability Implications:

- 7.4 The role of the taxi trade is included in the Local Transport Plan, which identifies it as a key element in providing sustainable transport choices. It creates important links in the transport network to other forms of sustainable transport providing a seamless connection. It will contribute to three of the government's four shared transport priorities – reducing congestion, improving air quality and accessibility. Use of taxis for school transport,

licensed vehicles using bus lanes, locating ranks at railway stations and the city coach station, approved use of liquid petroleum gas all contribute to reducing congestion and moving passengers quickly.

Crime & Disorder Implications:

- 7.5 Sufficient late night transport to reduce public place violent crime is recognised in the community safety, crime reduction and drugs strategy. The presence of CCTV can be an important means of deterring and detecting crime.

Risk and Opportunity Management Implications:

- 7.6 The transport industry should be safe, profitable and be a positive experience for residents and visitors.

Corporate / Citywide Implications:

- 7.7 Tourism needs to provide a warm welcome to visitors and the tourism strategy depends upon effective partnership with transport operators particularly to achieve safe late night dispersal for the night time economy.

SUPPORTING DOCUMENTATION

Appendices: None