

Report to: Justine Hoy – Environmental Health and Licensing Section Head

Date: 13 September 2017

Report of: Brian Scott – Traffic Engineer

THE BOROUGH OF WATFORD HACKNEY CARRIAGE STAND APPOINTMENT 2017

1.0 SUMMARY

1.1 The purpose of this report is:

1.1.1 To seek the approval of the Environmental Health and Licensing Section Head to designate a number of existing taxi ranks as Hackney Carriage Stands under the Local Government Miscellaneous Provisions Act 1976.

1.1.2 To seek authorisation to give public notice of such designation as prescribed by the Act and:

- a) where no objections are received or where objections are subsequently withdrawn appoint the Hackney Carriage Stands and:
- b) where objections are received and not subsequently withdrawn, report the details of the objections together with Officer's recommendations so that further instructions can be obtained.

2.0 RECOMMENDATIONS

2.1 That the Environmental Health and Licensing Section Head authorises all as described in paragraph 1.1 above.

Contact Officer:

For further information on this report please contact:

Brian Scott	Traffic Engineer
Telephone:	01923 278081
Email:	brian.scott@watford.co.uk

3.0 DETAILED PROPOSAL

3.1 The Borough of Watford has designated a number of locations in the Borough as taxi ranks using powers contained in the Road Traffic Regulation Act 1984 (the 1984 Act) delegated to it by the Highway Authority, Hertfordshire County Council under the terms of an Agency Agreement.

3.2 At the request of the Council's Licensing Team, proposals have been prepared to designate the existing taxi ranks in the Borough as Hackney Carriage Stands using provisions contained within the Local Government (Miscellaneous Provisions) Act 1976. This would be in addition to the current designation under the 1984 Act, the provisions of which are enforced under the Council's Civil Parking Enforcement (CPE) regime. Enforcement under CPE is by Penalty Charge Notice, the maximum penalty being £70, discounted to £35 if paid within 2 weeks. The taxi trade has brought to the attention of the Licensing Team, instances where persistent offenders appear undeterred by the potential £70 penalty and has requested the parallel designation under the 1976 Act so that in suitable circumstances consideration of prosecution of persistent offenders via the Magistrates Court could be made, where (if successful) a fine of up to £1000 could be imposed. It is likely that the pursuit of a prosecution under the 1976 Act would be rare but it is believed that the threat of prosecution and the attendant maximum fine, advertised by way of suitably worded signs at each of the rank locations, will assist in keeping the ranks clear for the use of taxis.

3.3 The ranks covered by this proposal are located in the following roads:-

Church Street

Rickmansworth Road

New Street

Lower High Street (station access road)

Clarendon Road

Shady Lane

NOTE: The existing rank in Albert Road (South) is already appointed under the 1976 Act. The rank in the High St outside Barclays Bank is subject to a proposed relocation so is not included.

3.3 The proposal would have no impact on the day to day operation of the ranks and no change to their location, extent or hours of operation are proposed as part of this scheme.

3.6 The Police have been consulted on the proposal and have raised no objections. Borough and County Council Members representing the ward containing the ranks affected (Central Ward) have also been consulted.

4.0 IMPLICATIONS

4.1 Financial

4.1.1 The cost of promoting and processing the appointment of the hackney carriage stands is estimated at £600 to be charged against the Parking Projects code (HDR 000 D1142).

4.1.2 The Director of Finance advises that the cost can be met from within existing budgetary provision.

4.2 Legal Issues (Monitoring Officer)

4.2.1 Before appointing any stand for hackney carriages or varying the number of hackney carriages to be at each stand in exercise of the powers contained within s63 of the Local Government (Miscellaneous Provisions) Act 1976 the Council shall give notice to the Chief Officer of police for the police area in which the stand is situated and shall also give public notice of the proposal by advertisement in at least one local newspaper circulating in the district and shall take into consideration any objections or representations in respect of such proposal which may be made to them in writing within twenty-eight days of the first publication of such notice.

(3) Nothing, in this section shall empower a district council to appoint any such stand—

(a) so as unreasonably to prevent access to any premises;

(b) so as to impede the use of any points authorised to be used in connection with a local bus service within the meaning of the Transport Act 1985 or PSV operator's licence granted under the Public Passenger Vehicles Act 1981, as points for the taking up or setting down of passengers, or in such a position as to interfere unreasonably with access to any station or depot of any passenger road transport operators, except with the consent of those operators;

(c) on any highway except with the consent of the highway authority;

and in deciding the position of stands a district council shall have regard to the position of any bus stops for the time being in use.

Bearing in mind that these are already designated ranks under the Road Traffic Regulation Act 1984 they already meet the test set out in subsection 3 above.

4.3 Equalities

4.3.1 A generic Equalities Impact Assessment has been carried out for parking schemes which has been considered and approved by the Equalities Working Group. It is available to view on the Council's website.

4.4 Potential Risks

4.4.1	Potential Risk	Likelihood	Impact	Overall score
	Some members of the public will perceive the additional controls as an unnecessary imposition	2	1	2

by the Council.			
The cost of prosecution using powers under the 1976 Act may be significant.	3	2	6

Appendices

None

Background Papers

None

NOTIFICATION OF OFFICER DECISION

1. That notice be given of the Council's intension to appoint existing taxi ranks in the Borough as Hackney Carriage Stands using powers contained within s63 of the Local Government (Miscellaneous Provisions) Act 1976

2. Where no objections are received or are subsequently withdrawn the Order be confirmed

Name of Officer exercising delegated authority:

Justine Hoy, Environmental Health and Licensing Section Head



Signature:
 Signature:
 Signature:

Date:13.9.17.....

END