

# Report to Regulatory Panel

Agenda  
Item:

**A.2**

Meeting Date: 16 October 2013  
Portfolio: Finance, Governance and Resources  
Key Decision: Not Applicable:  
Within Policy and  
Budget Framework NO  
Public / Private Public

Title: PROVISION OF HACKNEY CARRIAGE (TAXI) RANKS IN  
CARLISLE  
Report of: Director of Governance  
Report Number: GD 45/13

## Purpose / Summary:

Cumbria County Council, as the Highways Authority, has traditionally provided the taxi ranks throughout Cumbria including those in Carlisle city centre. They are transferring this responsibility to Carlisle City Council and a new Order is required to adopt ranks within the City. This is an Executive function of the Council

## Recommendations:

That the Regulatory Panel note the preparation of a new Taxi Rank Order that is being referred to the Executive for determination.

## Tracking

Executive:	
Overview and Scrutiny:	
Council:	

To the Chairman & Members of the Regulatory Panel on the 16 October 2013

**1. LEGISLATION**

- 1.1 The provision of stands for hackney carriages is covered by Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 which states:
- 1.2 (1) For the purposes of their functions under the Act of 1847, a district council may from time to time appoint stands for hackney carriages for the whole or any part of a day in any highway in the district which is maintainable at the public expense and, with the consent of the owner, on any land in the district which does not form part of a highway so maintainable and may from time to time vary the number of hackney carriages permitted to be at each stand.
- 1.3 (2) Before appointing any stand for hackney carriages or varying the number of hackney carriages to be at each stand in exercise of the powers of this section, a district 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.

**2. BACKGROUND**

- 2.1 Cumbria County Council are the Highways Authority for Cumbria and have traditionally approved and provided the hackney ranks in Carlisle City Centre.
- 2.2 As a result of certain changes within the county, they have transferred the responsibility for ranks to the District Councils. Carlisle City Council will therefore be responsible for the ranks within the City and must prepare an Order defining these ranks.

**3. CONSULTATION**

- 3.1 Following discussions with Legal Services, Highways Section and Cumbria County Council, a draft of The Council of the City of Carlisle (Designated Taxi Ranks) Order 2013 was prepared for consultation.

- 3.2 This Order consolidates the current County Council Orders and simply replicates the current rank provision. All of the rank spaces are currently marked and signed.
- 3.2 An advert was placed in the Cumberland News on 26 April 2013 requiring any representations to be received by 24 May 2013. In addition a notice was placed on each rank, on the Civic Centre public notice board, City Centre notice board and on the Council website. A letter of the proposal was sent to Cumbria Constabulary.
- 3.3 In response to the consultation process, the Council received a number of letters objecting to the rank on the north side of Lonsdale Street. The main thrust of the representations are that there is already taxi provision on the south side of Lonsdale Street, and therefore there is no requirement for a further rank space on the north side.
- 3.5 At the time of consultation it was understood that the stand on the south side of Lonsdale Street had been removed by the County Council, therefore this was not included in the Order, however enquires with them revealed that the stand for one taxi at this location had not been removed and could still be utilised.

#### 4 CONSTITUTION

- 4.1 Under the Leader's Scheme of Delegation the Director of Local Environment has delegated order making powers in respect of traffic regulation, which will include taxi stands. This responsibility comes under the portfolio of Environment and Transport.
- 4.2 However the ability to exercise delegated powers is not given on a carte blanche basis, the delegated traffic regulation powers are subject to the following limitation:

"The above delegation shall be subject to the following limitations;

The referral to the Executive for confirmation of any order, notice or other similar instrument where the relevant Portfolio Holder so requests or where any objection is received from a person or body to the proposed order notice or instrument"

- 4.2 As representations have been received the decision must be referred to the Executive for determination.

## **5 RECOMMENDATIONS**

- 5.1 That the Regulatory Panel note the preparation of a new Taxi Rank Order that is being referred to the Executive for determination.

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**Appendices  
attached to report: None**

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: Local Government (Miscellaneous Provisions) Act 1976**

### **CORPORATE IMPLICATIONS/RISKS:**

**Chief Executive's – N/A**

**Community Engagement – N/A**

**Economic Development – N/A**

**Governance – Included within report**

**Local Environment – N/A**

**Resources – N/A**