

LICENSING REGULATORY COMMITTEE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - PROPOSED NEW HACKNEY CARRIAGE STAND IN LANCASTER

26th November 2015

Report of Licensing Manager

PURPOSE OF REPORT

This report is to request that members approve in principle the provision of a new hackney carriage stand to be operative between the hours of 0100am and 0330am from September through to the end of June in Lower St Leonardgate car park in Lancaster opposite the rear entrance of the Sugar House for 8 vehicles.

This report is public

RECOMMENDATIONS

- (1) That members approve the appointment of a new hackney carriage stand for 8 vehicles to be operative between the hours of 0100am and 0330am from the 1st September until the 30th June every year in the carpark known as Lower St Leonardgate, Lancaster which is opposite the rear entrance of the Sugar House university night club for 8 vehicles.
- (2) If the Committee is so minded, to authorise the Chief Officer (Governance), in accordance with Section 63 (2) of the Local Government (Miscellaneous Provisions) Act 1976, to advertise the proposed change to the hackney carriage stand provisions in Lancaster as set out in (1) above.

1.0 Introduction

- 1.1 Historically during the University term time licensing officers have received, and continue to receive numerous complaints about hackney carriage vehicles forming a rank in the Lower St Leonardgate car park in Lancaster from approximately 0100am in the morning on the days that the night club is in operation. The worst evening being reported is Wednesday night into Thursday morning.
- 1.2 The licensing manager along with another enforcement officer recently carried out some observations of that area until 0330 on a Thursday morning and as a result 5 warning letters were issued to hackney carriage drivers for breaching the Byelaw

adopted by this Council which requires a hackney carriage driver when working and not actually hired to return to a rank unless driving and plying for hire, i.e. taking flag downs.

- 1.3 However as part of the observations officers noted that the drivers were not actually causing any problems of obstruction or causing any danger to any members of the public, and that perhaps a more pragmatic approach to this problem would be to formally adopt the area as a rank at the times proposed in this report.
- 1.4 Officers liaised with the manager who deals with car parks and as a result an agreement was reached that a trial period could be carried out, provided that provisions were put in place to ensure that any rank would not disrupt the workings of the car park and that it was made clear to drivers how the rank should operate. If the rank becomes a problem in relation to the operation of the car park the decision to appoint would be reviewed with the likelihood that the rank would be removed.
- 1.5 The licensing manager has agreed to write to all hackney carriage proprietors to ensure that everyone is aware of how the rank should work and has also agreed to undertake some enforcement in that area should members be minded to approve the proposal to ensure that there is no disruption to the operation of the car park or any danger caused to members of the public.
- 1.6 Under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 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.

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.

- 1.7 As the proposed rank will be on Council land there will be no requirement to get permission from the Highways Authority and there will be no requirement for a traffic regulation order.

2.0 Conclusion

- 2.2 Members are requested to approve the proposals for the introduction of the rank in Lancaster as set out in this report and to authorise the Chief Officer (Governance) to publish the notice in the newspaper as required by the legislation.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None applicable to this report

FINANCIAL IMPLICATIONS

The only direct costs will be in the region of £150 - £250 for advertising in the local newspaper and this can be met from within the existing budget. Any Enforcement will be from existing staff resources.

LEGAL IMPLICATIONS

These are contained within the report

BACKGROUND PAPERS

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