

Neath Port Talbot County Borough Council
Cyngor Bwrdeistref Sirol Castell-nedd

Democratic Services
Gwasanaethau Democrataidd

Decision Notice

REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD - URGENCY ACTION , MONDAY, 7TH FEBRUARY, 2022

Please see below approval of decision as follows:

1. **Hackney Carriage Stands - 103TD - Urgency Action**
(Pages 3 - 14)

That the adoption of hackney carriage stands, in accordance with Section 63(1) Local Government (Miscellaneous Provisions) Act 1976, be approved, at the locations detailed within the attached report.

Yours sincerely

Tammie Davies

p.p Chief Executive

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NEATH PORT TALBOT COUNCIL

Regeneration and Sustainable Development Cabinet Board
7th February 2022

Report of the Head of Legal and Democratic Services – Craig Griffiths

Matter for Decision

Wards Affected: Port Talbot, Neath North

Local Government (Miscellaneous Provisions) Act 1976 - Adoption of Taxi Stands

Purpose of the Report

1. To consider the adoption of hackney carriage stands in accordance with section 63 of the Local Government (Miscellaneous Provisions) Act 1976 following the completion of the consultation exercise.

Executive Summary

2. At a meeting of the Regeneration and Sustainable Development Cabinet Board on the 3rd December 2022, members determined to proceed to the consultation stage of adopting hackney carriage stands.
3. In accordance with Section 63 Local Government (Miscellaneous Provisions) Act 1976, a notice was subsequently provided to the Chief Officer of South Wales Police and a notice published in a local newspaper.
4. No objections were received in respect of the proposal to adopt hackney carriage stands, consequently to facilitate the need for compliance

operations to begin as soon as possible, permission is being sought for the adoption of hackney carriage stands to be approved by urgency action.

Background

5. Hackney carriage vehicles are regulated in accordance with the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976
6. The Council is able to appoint stands for hackney carriages under Section 63 Local Government (Miscellaneous Provisions) Act 1976. A hackney carriage vehicle is then able to stand for hire on stands which have been appointed for this purpose.
7. The Council has however not appointed any stands for hackney carriages within the County Borough. Instead it has created Traffic Regulation Orders, to designate a number of on-street locations as parking spaces for hackney carriage vehicles, in accordance with the Road Traffic Regulation Act 1984.
8. These parking spaces can only be used by hackney carriage vehicles and unlawful parking can be enforced by the parking enforcement officers by means of fix penalty notices.
9. Appointing hackney carriage stands will provide the Council with additional enforcement powers to compliment the powers already held by the parking enforcement officers to tackle unauthorised parking.
10. Hackney carriage stands will also allow for the better regulation of the stands by introducing offences for not moving along the queue or otherwise causing an obstruction.

Officer Report

11. A notice was sent to the Chief Officer of South Wales Police outlining the proposal to adopt hackney carriage stands; the Chief Officer had no objections to the proposal.

12. A public notice was also published in the Evening Post on the 24th December 2021, inviting any person within 28 days to make an objection in respect of the proposal; no objections were received.
13. It is proposed that members approve the creation of hackney carriage stands in accordance with Section 63 Local Government (Miscellaneous Provisions) Act 1976, at the locations listed at paragraph 23 below.

Financial Implications

14. Before creating hackney carriage stands the Council published a public notice of the proposal in the Evening Post. The cost of the advertisement was £850.47. The reasonable costs associated with the administration of the hackney carriage and private hire functions, are however recovered in licence fees.

Integrated Impact Assessment

15. A first stage Impact Assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016. The first stage assessment, attached at Appendix 1, has indicated that a more in-depth assessment is not required

Legal Impacts

16. The power for the Council to appoint hackney carriage stands is contained in Section 63(1) Local Government (Miscellaneous Provisions) Act 1976. This legislation enables the Council to appoint taxi stands on any highway with the consent of the Highway Authority and on any land that does not form part of the highway with consent of the land owner. It must however not unreasonably prevent access to any premises or impede buses.
17. Before creating a taxi stand, the Council must give notice to the Chief Officer of South Wales Police. It shall also give public notice of the proposal by advertisement in at least one local newspaper and consider any responses received as a result of this public consultation. This

consultation process must allow a minimum of 28 days for people to respond.

18. The Local Government (Miscellaneous Provisions) Act 1976 section 64 makes it an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages and this is a comprehensible ban on all other vehicles.
19. Hackney Carriage stands on the Public Highway must be marked out and signed in accordance with the Traffic Sign Regulations and General Directions 2002, Regulations 11 and Schedule 6. In particular, the road markings must be coloured yellow for full time taxi stands.

Risk Management

20. Not applicable

Consultation

21. Consultation has been carried out in accordance with statutory requirements.

Recommendation

22. That members approve the adoption of hackney carriage stands in accordance with Section 63(1) Local Government (Miscellaneous Provisions) Act 1976 at the following locations:

Location	No. of Vehicles	Times
Cramic Way, Port Talbot (north east side) from its junction with Oakwood Road between points approximately 100 metres and 112 metres in a north westerly direction	2	Permanent
Station Road, Port Talbot (East Side) between points approximately 26 metres and 66 metres	8	Permanent

north of its junction with the northern kerbline of Grove Place		
Station Road rear lane to Service Bay (South West Side) between points approximately 30 metres and 103 metres north west of its junction with Station Road	14	Permanent
The Parade, Neath (East Side) from its junction with Green Street for a distance 40 metres in a northerly direction	8	6pm - 8am
Queen Street Back Road/Summerfield Place (North East Side) between points approximately 10 metres and 40 metres east of its junction with Windsor Road	6	Permanent

Reasons for Proposed Decision

43. To finalise the process of adopting hackney carriage stands.

Implementation of Decision

44. The decision is proposed for implementation immediately after consultation with the Chair of Scrutiny.

Appendices

45. Appendix 1 - Integrated Impact Assessment Screening

List of Background Papers

46. Town Police and Clauses Act 1847
The Local Government (Miscellaneous Provisions) Act 1976
Neath Port Talbot Taxi Licensing Policy

Officer Contact

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Impact Assessment - First Stage

1. Details of the initiative

Initiative description and summary: Hackney Carriage Stands Adoption
Service Area: Legal Regulatory Services
Directorate: Chief Executives

2. Does the initiative affect:

	Yes	No
Service users	✓	
Staff		✓
Wider community	✓	
Internal administrative process only		✓

3. Does the initiative impact on people because of their:

	Yes	No	None/ Negligible	Don't Know	Impact H/M/L	Reasons for your decision (including evidence)/How might it impact?
Age			✓			The proposal to adopt hackney carriage (“taxi”) stands in accordance with the Local Government (Miscellaneous Provisions) Act 1976, is simply replicating what is already in place under the Road Traffic Regulation Act 1984. To the general public, there will appear to be no change to existing taxi stand provisions, but the adoption of taxi stands under the LG(MP) Act 1976, will allow better enforcement and regulation of their use.
Disability			✓			
Gender Reassignment			✓			
Marriage/Civil Partnership			✓			
Pregnancy/Maternity			✓			
Race			✓			
Religion/Belief			✓			

Sex			✓			
Sexual orientation			✓			

4. Does the initiative impact on:

	Yes	No	None/ Negligible		Impact H/M/L	Reasons for your decision (including evidence used) / How might it impact?
People's opportunities to use the Welsh language		✓				The proposal is to adopt taxi stands, this does not impact upon the use of the Welsh Language.
Treating the Welsh language no less favourably than English		✓				The proposal is to adopt taxi stands, this does not impact upon the use of the Welsh Language.

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5. Does the initiative impact on biodiversity:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence) / How might it impact?
To maintain and enhance biodiversity		✓				The proposal is to adopt taxi stands, this does not impact upon biodiversity.

To promote the resilience of ecosystems, i.e. supporting protection of the wider environment, such as air quality, flood alleviation, etc.		✓				The proposal is to adopt taxi stands, this does not impact upon the resilience of ecosystems.
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6. Does the initiative embrace the sustainable development principle (5 ways of working):

	Yes	No	Details
Long term - how the initiative supports the long term well-being of people	✓		Taxis play an important part in the night time economy and efficient and effective taxi stands are essential to promote public safety. By adopting taxi stands under the LG(MP)Act 1976, officers will have greater powers to regulate taxis using the stands and greater enforcement powers against those that unlawfully park and obstruct them.
Integration - how the initiative impacts upon our wellbeing objectives	✓		Taxis play an important part in the night time economy and efficient and effective taxi stands are essential to promote public safety. By adopting taxi stands under the LG(MP)Act 1976, officers will have greater powers to regulate taxis using the stands and greater enforcement powers against those that unlawfully park and obstruct them.
Involvement - how people have been involved in developing the initiative	✓		The Licensing Authority has informally engaged with the trade and there are statutory consultation requirements involved in adopting taxi stands.

Collaboration - how we have worked with other services/organisations to find shared sustainable solutions	✓		The Licensing Authority has worked with the highways department to identify the most suitable location for taxi stands.
Prevention - how the initiative will prevent problems occurring or getting worse	✓		By adopting taxi stands under the LG(MP)Act 1976, officers will have greater powers to enforce against unlawful parking and obstruction of the taxi stands. By working with the Police and Parking Enforcement, it is hoped that the taxi stands will effectively, offering those who use taxis in the daytime and night time a safe place to be picked up and dropped off.

7. Declaration - based on above assessment (tick as appropriate):

A full impact assessment (second stage) is not required	✓
Reasons for this conclusion	
This report is to consider the adoption of taxi stands in accordance with the Local Government (Miscellaneous Provisions) Act 1976. It is proposed that taxi stands be appointed at the existing locations which already have traffic orders in place under the Road Traffic Regulation Act 1984. This does not have a negative effect on any of the protected characteristics, welsh language, nor biodiversity.	

	Name	Position	Date
Completed by	Neil Chapple	Legal Regulatory Manager	23/09/21
Signed off by	Craig Griffiths	Head of Legal and Democratic Service	23/09/21

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