

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

**Regeneration and Sustainable Development Cabinet Board
3 December 2021**

Report of the Head of Legal 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.

Executive Summary

2. Currently, Neath Port Talbot has made Traffic Regulation Orders to create parking spaces for hackney carriage vehicles under Part 1 of the Road Traffic Regulation Act 1984.
3. These parking spaces can only be used by hackney carriage vehicles and unlawful parking can be enforced by means of fix penalty notices, but these parking spaces do not constitute a hackney carriage stand within the meaning of the Local Government (Miscellaneous Provisions) Act 1976.
4. It is proposed that the Council creates hackney carriage stands under Section 63 Local Government (Miscellaneous Provisions) Act 1976, at the same locations as the existing parking spaces for hackney carriage

vehicles, which have been created under Part 1 of the Road Traffic Regulation Act 1984.

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. Before appointing any stands for hackney carriages, the Council must consult with the Chief Officer of Police, publish a notice on one occasion in a local newspaper and take into consideration any objections or representations made within the period of 28 days of publication of the notice.

12. It is proposed that the Council creates hackney carriage stands under Section 63 Local Government (Miscellaneous Provisions) Act 1976, at the same locations as the existing parking spaces for hackney carriage vehicles, which have been created under Part 1 of the Road Traffic Regulation Act 1984.
13. The proposed locations for the hackney carriage stands are detailed in table 1 below.

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 north of its junction with the northern kerbline of Grove Place	8	Permanent
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

Financial Implications

14. Before creating a taxi stand the Council must give public notice of the proposal by advertisement in at least one local newspaper. The reasonable costs associated with the administration of the hackney carriage and private hire functions, are however recovered in the 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 to be carried out in accordance with statutory requirements.

Recommendation

22. That members approve the commencement of the process to adopt hackney carriage stands in accordance with Section 63(1) Local Government (Miscellaneous Provisions) Act 1976.

Reasons for Proposed Decision

23. To enable the Council's Legal Regulatory Services Manager to carry out the necessary consultation and advertising prior to a further report being presented to Cabinet.

Implementation of Decision

24. The decision is proposed for implementation after the three day call in period.

Appendices

25. Appendix 1 - Integrated Impact Assessment Screening

List of Background Papers

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

Officer Contact

27. Craig Griffiths
Head of Legal and Democratic Services
Tel (01639) 763767
Email c.griffiths2@npt.gov.uk

28. Neil Chapple
Legal Regulatory Manager
Tel (01639) 763050
Email n.chapple@npt.gov.uk