

TAXI RANKS IN HALTON CONSULTATION 2017/2018

Halton Council Legal Services Licensing Section is undertaking a review of taxi rank provision in the Borough. This document sets out the background to the review together with a statement of the relevant law. The taxi trade will be asked to put forward proposals for consideration and to comment on any proposals put forward by the Licensing Section.

What is a taxi rank or stand?

- A taxi rank or stand is a place where hackney carriages “stand for hire”. When a taxi is in motion and is hailed in the street it is normally said to be plying for hire (although “plying for hire” can include standing for hire). In both cases, a taxi advertises that it is available for hire by illuminating its “for hire” light.
- Normally, a rank will provide space for more than one taxi. This has entered the language as an assumption because the expression “ranking up” means to form a queue.
- A taxi rank may exist anywhere: either on or off a highway or street. However, rules have evolved to restrict the places where taxis may rank up.

Designated taxi ranks

- National model taxi byelaw No. 7 (which has been adopted by the Council) require drivers when plying for hire in any STREET and not actually hired ... to proceed ... to one of the stands fixed by [section 63 Local Government (Miscellaneous Provisions) Act 1976].
- In this document “designated” stand means a stand fixed by an order made under the 1976 Act. The order currently in place is the Halton Borough Council (Various Hackney Carriage Stands, Widnes and Runcorn) Order 2010.
- But for byelaw No. 7 there would be no restriction on plying for hire by driving around on the highway or (subject to landowner consents) standing on any land either as a single vehicle or with others or (subject to traffic regulation orders) standing on the highway. Given that the byelaw does exist there is a responsibility on the taxi licensing authority to provide ranks so that the byelaw can be complied with. One issue to consider is whether the byelaw should continue to exist or should be revoked.
- Note that the byelaw only applies where a driver is plying for hire in any street.

What is a “street”?

- Section 3 Town Police Clauses Act 1847 defines a **street** as extending to and including any “road, square, court, alley and thoroughfare, or public passage ...”.

- The case of *Young v Scampton* (1988) overturned well established cases by holding that land will only be a street if the public has the **legal right** to be there. In that case a rank at Birmingham Airport was held not to be in a street.
- There have been different interpretations as to what constitutes a street for a number of years. The meaning of the word has also been interpreted differently depending on context. For example, the word has been re-interpreted in the context of the meaning of “street trading” by case of *West Berkshire District Council v Simon Paine* [2009] EWHC 422 (Admin). The essential point from the case is that a street can include private land such as a private car park. It does not just mean land which is part of a highway. This means that a number of activities that have not previously been considered to require a street trading consent will require one from now on. It remains to be seen whether this wider interpretation will be extended to taxi law.
- Railway stations and other railway land constitute streets.

Competition for parking space in streets

- In modern urban streets there is fierce competition for parking space. The reservation of scarce parking resources for particular user groups requires special justification.
- Taxis constitute a significant part of the public transport system. It follows that taxi ranks have a similar justification to bus stops and bus lanes.
- The existence of byelaw No. 7 also implies that a certain number of ranks must be made available. There are 267 licensed hackney carriage vehicles in Halton. Should there be a relationship between the number of designated ranks and the number of taxis? Historically, there has been a gross mismatch between the number of ranks and the number of vehicles but the trade has never indicated that this causes a problem in practice.
- Many taxi ranks are time limited so that road space is taken up only for the optimum number of hours.
- Nevertheless, each taxi rank must be justified in terms of function and amenity.

Limitations on the positioning of ranks

- The positioning of taxi ranks is subject to a number of restrictions as set out in section 63 Local Government (Miscellaneous Provisions) Act 1976.
- This states that nothing in the section shall empower a district council to appoint any such stand-
 - so as unreasonably to prevent access to any premises;
 - so as to impede the use of any points authorised to be used in connection with a local 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;
- on any highway except with the consent of the highway authority;
- 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.

Highways issues

- The majority of taxi ranks are on adopted highways. The consent and advice of the highways authority are therefore crucial.
- Orders designating ranks under the 1976 Act have a relationship with traffic regulation orders made under the Road Traffic Regulation Act 1984.
- Taxi ranks may be placed on highways which have no other restrictions on road users: an order under the 1976 Act may then be seen to be a “free standing” order unrelated to a traffic regulation order.
- Taxi ranks may also be placed on highways which already have a number of restrictions placed on road users (such as no waiting or no stopping orders). In these cases, the designation of a taxi rank will, in effect, place an exception on the pre-existing traffic regulation order.
- Depending on the situation that applies, there will be different types of “lining and signing” designating the effect of the designation of the taxi rank.

“Private” Ranks

- The expression “private” ranks (for the purposes of this document) refers to ranks on private land which have not been designated by the taxi licensing authority. These can typically be found in certain supermarket car parks. Provided that such private ranks are not on a street the use of them does not constitute a breach of byelaw No. 7. Such ranks are often formalised (that is, marked out with lines and signs) and are sometimes restricted to particular taxi firms on payment to the landowner. Ranks at railway stations are a hybrid form of private rank because of the effect of section 76 Public Health Act 1925 (see below for further information).
- Another kind of rank to distinguish from the “private” rank described above is the informal rank. This describes off-street ranking without the formalisation associated with “private” ranks.
- With the consent of the landowner (and subject to various other control mechanisms such as the possible need for planning permission) the taxi licensing authority may designate ranks in the above categories under section 63 Local Government (Miscellaneous Provisions) Act 1976 in association with (in the case of railway stations) section 76 Public Health Act 1925.
- A list of the private ranks within the Borough is set out below.

Could the Council provide private ranks?

- There is no legal rule to prevent the Council from providing private ranks.

- However, as Licensing Authority, the Council should not put itself in a position whereby it could be accused of bias by favouring one element of the taxi trade over another.
- The Council should therefore restrict itself to providing designated ranks which would be open to all hackney carriage drivers.

Railway stations

- Section 76 Public Health Act 1925 extended the controls in the Town Police Clauses Act 1847 to include railway stations and other railway land. Essentially, the meant that the meaning of “street” was extended to include such land.
- Railway stations are deemed to be stands and (provided that drivers have the consent of the railway company) drivers may return to railway stations without contravening byelaw number 7.
- However, the Council cannot formally designate stands (i.e. fix the sites) at a railway without the consent of the railway company.

Ranking and private hire vehicles

- The basic distinction between taxis and private hire vehicles is that private hire vehicles may not be used to ply for hire in any street. The topic of taxi ranks should in theory be of no interest to the private hire trade.
- The licensing of private hire vehicles is based on a vehicle (1) not being a licensed hackney carriage vehicle or public service vehicle (2) being constructed or adapted to seat fewer than 9 passengers (3) which is used for hire with the services of a driver for the purposes of carrying passengers.
- Nevertheless, the issue of private hire “ranking” does arise. The question is what kind of activities might result in private hire vehicles being held to be being used for standing or plying for hire. The first scenario is that of a single private hire vehicle simply being parked on a street. The second scenario is two or more private hire vehicles being parked in a street. In both cases we can take “in a street” to include “very close to a street”.
- Button on Taxis puts the tests as follows¹:
 - Nothing in the legislation or case law prevents a private hire vehicle parking lawfully to await a booking made via the operator, provided that the vehicle is not standing or plying for hire;
 - The length of time that a private hire vehicle is lawfully parked is irrelevant;
 - The test of whether or not the vehicle is available for hire (i.e. is plying for hire) is based on the intentions of the driver, as evidenced by his actions if approached by a prospective passenger.

¹ Fourth Edition - Paragraph 12.46 (page 635)

- It would seem to follow that the same tests would apply if two or more private hire vehicles are parked together.

The issue of what constitutes private hire “ranking” is really outside the scope of this document. Button deals with the issue in greater detail. It is mentioned here to avoid confusion.

SCHEDULE LIST

Schedule 1	Details of Designated Ranks in Halton under the 2010 Order
Schedule 2	Details of Private Ranks in Halton
Schedule 3	Procedural Issues
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Details of Designated Ranks in Halton under the 2010 Order

**OFFICIAL TAXI STANDS REGULATED BY HALTON BOROUGH COUNCIL
UNDER SECTION 63 OF LOCAL GOVERNMENT (MISCELLANEOUS
PROVISIONS) ACT 1976**

WIDNES

Stand Number	Location	Order Plan Number	Permitted Maximum Number of Vehicles	Permitted Times of Use
1	Market Street (in 3 separated locations)	8902	8	Any
2	Alforde Street	8635/3	6	Any
3	Hale Road	8635/4	8	Any
4	Arley Drive	8635/5	4	Any
5	Hough Green Road	8635/6	5	Any
6	Upton Lane	8635/7	3	Any
7	Dickson Street	8635/8	5	Any
8	Cross Street	8635/11	8	Any
9	Victoria Square	8903	8	2100-0600
10	Prescot Road	8635/13	4	Any
11	Appleton Village	8635/14	10	Any
12	Cronton Lane	8635/15	4	Any
13	Croft Street	8635/16	7	2300-0300
14	Widnes Road	8901	8	0000-0600
15	Albert Road (outside Wetherspoons)	8905	3	1800-0600
16	Albert Road (outside Imperial)	9116	3	1800-0600
17	Albert Road (feeder rank to Wetherspoons)	9115	3	1800-0600

RUNCORN

Stand Number	Location	Order Plan Number	Permitted Maximum Number of Vehicles	Permitted Times of Use
18	Public Hall Street	8904	8	Any
19	Halton Lea (off Second Avenue)	TD/TM/SJ B/R/L/01	3	Any
20	High Street (in existing layby)	9118	5	2200-0500
21	High Street (outside Bargain Booze adj Mersey Road)	9117	8	2000-0600

Details of Private Ranks in Halton

Widnes

Albert Square (following Kent Street)

Asda

Morrisons/Market

Runcorn

Asda

Runcorn Railway Station

Co-op (off High Street)

“The Hut” (off High Street)

Trident Shopping Centre

PROCEDURAL ISSUES

Section 63 Local Government (Miscellaneous Provisions) Act 1976

Ranks

Where

- On any highway maintainable at public expense
- Any other land with the owner's consent.

How

- Give notice to the chief officer of police
- Advert in local paper
- Consider objections which may be received within 28 days of (first) publication

Form of order

Not specified but should identify:

- Where
- How many
- Time limits if any

Road Markings and signs

The Traffic Signs Regulations and General Directions 2016 contain detailed requirements.

The Traffic Signs Regulations and General Directions 2016 (SI 2016/362)

Legislation Relevant to Ranks

Local Government (Miscellaneous Provisions) Act 1976

Section 63 Stands for hackney carriages

— (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.

(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.

(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 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.

(4) Any hackney carriage byelaws for fixing stands for hackney carriages which were made by a district council before the date when this section comes into force in the area of the council and are in force immediately before that date shall cease to have effect, but any stands fixed by such byelaws shall be deemed to have been appointed under this section.

(5) The power to appoint stands for hackney carriages under subsection (1) of this section shall include power to revoke such appointment and to alter any stand so appointed and the expressions "appointing" and "appoint" in subsections (2) and (3) of this section shall be construed accordingly.

Local Government (Miscellaneous Provisions) Act 1976

Section 64 Prohibition of other vehicles on hackney carriage stands

— (1) No person shall cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages during any period for which that stand has been appointed, or is deemed to have been appointed, by a district council under the provisions of section 63 of this Act.

(2) Notice of the prohibition in this section shall be indicated by such traffic signs as may be prescribed or authorised for the purpose by the Secretary of State in pursuance of his powers under section 64 of the Road Traffic Regulation Act 1984.

(3) If any person without reasonable excuse contravenes the provisions of this section, he shall be guilty of an offence.

(4) In any proceedings under this section against the driver of a public service vehicle it shall be a defence to show that, by reason of obstruction to traffic or for other compelling reason, he caused his vehicle to wait on a stand or part thereof and that he caused or permitted his vehicle so to wait only for so long as was reasonably necessary for the taking up or setting down of passengers.

Public Health Act 1925

Section 75 Byelaws as to persons waiting to enter public vehicles

— (1) The local authority may make byelaws for regulating the conduct of persons waiting in streets to enter public vehicles, and the priority of entry into such vehicles, and may by such byelaws require queues or lines to be formed and kept by such persons.

(2) The local authority may erect and maintain, or permit other persons to erect and maintain, in any street such barriers and posts as appear to the local authority to be necessary for the purposes of securing compliance with any such byelaws:

...
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(3) Nothing in subsection (2) of this section shall be construed as empowering the local authority to hinder the reasonable use of the street by the public, or to obstruct the access to or exit from any station or goods yard belonging to a railway company or to or from any premises belonging to the owners, trustees, or conservators, acting under powers conferred by Parliament, of any canal, inland navigation, dock or harbour, and used for the purposes of the canal, inland navigation, dock or harbour, nor shall any barrier or post be erected on any bridge carrying any street over a railway or the approaches thereto.

Public Health Act 1925

Section 76 As to public vehicles taken at railway stations

In any area within which the provisions of the ^{M1}Town Police Clauses Act 1847, with respect to hackney carriages are in force, those provisions and any byelaws of the local authority with respect to hackney carriages shall be as fully applicable in all respects to hackney carriages standing or plying for hire at any railway station or railway premises within such area, as if such railway station or railway premises were a stand for hackney carriages or a street:

Provided that—

(a) the provisions of this section shall not apply to any vehicle belonging to or used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises, or to the driver or conductor of such vehicle;

(b) Nothing in this section shall empower the local authority to fix the site of the stand or starting place of any hackney carriage in any railway station or railway premises, or in any yard belonging to a railway company, except with the consent of that company.

Town Police Clauses Act 1847

Section 45 Penalty for plying for hire without a licence

If the proprietor or part proprietor of any carriage, or any person so concerned as aforesaid, permits the same to be used as a hackney carriage plying for hire within the prescribed distance without having obtained a licence as aforesaid for such carriage, or during the time that such licence is suspended as hereinafter provided,

or if any person be found driving, standing, or plying for hire with any carriage within the prescribed distance for which such licence as aforesaid has not been previously obtained, or without having the number of such carriage corresponding with the number of the licence openly displayed on such carriage, every such person so offending shall for every such offence be liable to a penalty not exceeding forty shillings

Town Police Clauses Act 1847

Section 64

Improperly standing with carriage; refusing to give way to, or obstructing, any other driver or depriving him of his fare

Any driver of any hackney carriage who suffers the same to stand for hire across any street or alongside of any other hackney carriage, or who refuses to give way, if he conveniently can, to any other carriage, or who obstructs or hinders the driver of any other carriage in taking up or setting down any person into or from such other carriage, or who wrongfully in a forcible manner prevents or endeavours to prevent the driver of any other hackney carriage from being hired, shall be liable to a penalty not exceeding level 1 on the standard scale.

Taxi Rank Review Proposals consequent on review

Widnes

<p>Market Street (stand no.1)</p>	<p>The northern rank (for 4 vehicles) to have new operating hours of 21.00 till 06.00 hours</p> <p>This amendment is to allow the legal parking of vehicles (residents and employees of local businesses) in these bays during daytime hours when they are not used by Hackney Carriages.</p> <p>The two ranks (for 2 vehicles each) situated on the eastern side to be removed</p> <p>This would free up parking spaces for residents at night time and make better use of the limited road space</p> <p>A new rank to be created on the west side of the road for 3 vehicles with operating hours of 21.00 till 06.00 hours</p> <p>This would allow better use of the limited road space</p>
<p>Alforde Street (stand no.2)</p>	<p>New operating hours of 21.00 till 06.00 hours</p> <p>This amendment is to allow the legal parking of vehicles (residents and employees of local businesses) in these bays during daytime hours when they are not used by Hackney Carriages.</p>
<p>Arley Drive (stand no.4)</p>	<p>Rescind order</p> <p>The public house served by the rank has long gone (The Sundowner) and a nursery is now in that position. The rank lines and signage have been removed and a bus stop is now in place.</p>
<p>Hough Green Road (stand no.5)</p>	<p>Remove rank and rescind order</p> <p>The public house (The Sporting Ford) and bookmakers served by this rank is about to make way for a new residential development. Although a medical centre and some shops are nearby there is no suitable road space to relocate this rank.</p>

Cross Street (stand no.8)	Remove rank and rescind order This rank primarily served Top of the Town nightclub until it closed. Due to the location of the entrance/exit to the DW Sports service yard and the fact that there is no footfall in general, this location is no longer suitable for a rank.
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Croft Street (stand no.13)	Remove rank and rescind order This rank primarily served the Landmark nightclub until it closed. There is no longer any purpose for a rank in this area or the foreseeable future.
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Runcorn

High Street (opposite Chambers) (stand no.20)	New operating hours proposed of 22.00 till 06.00 hours This amendment is to allow customers of the Chambers to get taxi after closing time (05.00hours).
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High Street (offset to the immediate front of Chambers)	Create a new rank for 5 vehicles for the period 22.00 till 06.00 hours This new rank will allow for a greater number of vehicles to safely ply for hire in the immediate vicinity of a busy licensed premise and would also allow vehicles to start their journey in the opposite direction of the existing rank on the other side of the road.
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Bridge Street (outside Wilsons)	Create a new rank for 4 vehicles for the period 22.00 till 06.00 hours This new rank will allow for further hackney carriages to ply for hire at the far end of the town centre
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High Street (The Hut)	Create a new rank for 6 vehicles for the period 20.00 till 06.00 hours This area has been used as private rank for some years. By creating an official rank at this location it will allow for enforcement of non Halton BC licensed vehicles
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PROPOSED 2018 SCHEDULE

OFFICIAL HACKNEY CARRIAGE STANDS REGULATED BY HALTON BOROUGH COUNCIL UNDER SECTION 63 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

WIDNES

Stand Number	Location	Order Plan Number	Permitted Maximum Number of Vehicles	Permitted Times of Use
1	Market Street		7	2100 - 0600
2	Alforde Street		6	2100 - 0600
3	Hale Road		8	Any
4	Upton Lane		3	Any
5	Dickson Street		5	Any
6	Victoria Square		8	2100 - 0600
7	Prescot Road		4	Any
8	Appleton Village		10	Any
9	Cronton Lane		4	Any
10	Widnes Road		8	2300 - 0600
11	Albert Road (outside Wetherspoons)		3	1800 - 0600
12	Albert Road (feeder rank to Wetherspoons)		3	1800 - 0600
13	Albert Road (outside Imperial)		3	1800 - 0600

RUNCORN

Stand Number	Location	Order Plan Number	Permitted Maximum Number of Vehicles	Permitted Times of Use
14	Public Hall Street		8	Any
15	Shopping City (off Second Avenue)		4	Any
16	High Street (opposite side of road from Chambers)		5	2200 - 0600
17	High Street (in front of Chambers)		5	2200 - 0600
18	Bridge Street (in front of The Wilsons)		4	2200 - 0600
19	High Street (outside Bargain Booze adj Mersey Road)		8	2000 - 0600
20	High Street lay-by immediately east of entrance to Co-op car-park		6	2000 - 0600

Taxi Rank Review Additional Ranks Consideration

Crossville Way, Runcorn	Near to the Ten Lock Flight pub and restaurant. The space around the Ten Lock Flight is private land. There is a public car park to the far side of Costa Coffee but a taxi rank would be incompatible with the off street parking order.
Runcorn Railway Station (1)	Shaw Street - Road leading to the Railway Station (to include the section under the bridge fly-over. This is a busy road used for station access. This road is deemed too narrow and is frequently used by coaches.
Runcorn Railway Station (2)	Picow Farm Road - Below steps leading from/to Railway Station. This location is not deemed feasible due to the cost of re-locating a section of bus stop for a rank that would not be visible from the railway station.
Shopping City, Runcorn	Extending the existing rank on Second Avenue. Additional space in front and behind the existing rank is designed for loading/unloading of vehicles. This option may be considered in the future.