

# Public Document Pack



## Regulatory Committee

Monday, 14 June 2010 6.30 p.m.  
Civic Suite, Town Hall, Runcorn



**Chief Executive**

### COMMITTEE MEMBERSHIP

<b>Councillor Ged Philbin (Chairman)</b>
<b>Councillor Kath Loftus (Vice-Chairman)</b>
<b>Councillor Bob Bryant</b>
<b>Councillor Mike Fry</b>
<b>Councillor Harry Howard</b>
<b>Councillor Diane Inch</b>
<b>Councillor Alan Lowe</b>
<b>Councillor Tony McDermott</b>
<b>Councillor Peter Murray</b>
<b>Councillor Ernest Ratcliffe</b>
<b>Councillor Pamela Wallace</b>

*Please contact Gill Ferguson on 0151 471 7394 or e-mail [gill.ferguson@halton.gov.uk](mailto:gill.ferguson@halton.gov.uk) for further information.  
The next meeting of the Committee is on Wednesday, 22 September 2010*

**ITEMS TO BE DEALT WITH  
IN THE PRESENCE OF THE PRESS AND PUBLIC**

**Part I**

<b>Item No.</b>	<b>Page No.</b>
<b>1. MINUTES</b>	
<b>2. DECLARATION OF INTEREST</b>	
Members are reminded of their responsibility to declare any personal or personal and prejudicial interest which they have in any item of business on the agenda, no later than when that item is reached and (subject to certain exceptions in the Code of Conduct for Members) to leave the meeting prior to discussion and voting on the item.	
<b>3. CONSULTATION ON TAXI RANK PROVISION</b>	<b>1 - 26</b>
<b>4. LEGAL SERVICES LICENSING IN TABLES</b>	<b>27 - 38</b>

***In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.***

**REPORT:** Regulatory Committee

**DATE:** 14 June 2010

**REPORTING OFFICER:** Chief Executive

**SUBJECT:** Consultation on Taxi Rank Provision

**WARDS:** Borough-wide

**1. PURPOSE OF REPORT**

The purpose of this report is to update members on the outcome of the consultation on taxi rank provision in Halton and seek approval for amendments to the Council's existing provision of taxi ranks.

**2. RECOMMENDED:**

- (1) that the information set out in the attached appendices be noted by the Committee;**
- (2) the proposals set out in Appendix E be approved subject to any representations which may be made in respect thereof;**
- (3) the Operational Director, Legal and Democratic Services be authorised to fulfil all procedural requirements and relating to the proposals in Appendix E in accordance with Section 63 Local Government (Miscellaneous Provisions) Act 1976;**
- (4) any representations opposing the proposals set out in this report be referred back to the Committee for consideration; and**
- (5) subject to no such representations being received the Operational Director, Legal and Democratic Services be authorised to make a designation order to consolidate any existing orders and incorporate the proposals in Appendix E.**

**3. SUPPORTING INFORMATION**

- 3.1** A consultation exercise has been undertaken with the taxi trade on the provision of hackney carriage stands (referred to in this report by their more common name "ranks") in the borough Appendix A provides the details.
- 3.2** A very limited response was received and is detailed in Appendix B.

- 3.3** The Councils Legal Services Licensing Section reviewed the provision of ranks in parallel with the consultation exercise and Appendix C and Appendix D provide details.
- 3.4** The various proposals have been discussed with the Councils Highways Section as the cost of implementation has been the prime consideration. The Council has a very limited budget for 2010/2011 for implementing any new schemes.
- 3.5** It is therefore proposed to bid for 4 new schemes two in Widnes (plus a change of hours to an existing rank) and two in Runcorn as detailed in Appendix E

**4 POLICY IMPLICATIONS**

If approved the Councils Ranks Order will be amended

**5. OTHER IMPLICATIONS**

There are no other implications from this report

**6 IMPLICATIONS FOR THE COUNCILS PRIORITIES**

- 6.1 Children and Young People in Halton**  
None
- 6.2 Employment Learning and Skills in Halton**  
N/A
- 6.3 A healthy Halton**  
N/A
- 6.4 A Safer Halton**  
None
- 6.5 Halton's Urban Renewal**  
N/A

**7 RISK ANALYSIS**

N/A

**8 EQUALITY AND DIVERSITY ISSUES**

N/A

**11 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
Application Documents	Legal Services	John Tully/ Kay Cleary

## APPENDIX A

### TAXI TRANKS IN HALTON

### CONSULTATION 2009/2010

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, 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 2006.
- 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. If the driver is not plying for hire (i.e. does not have the for fire

sign lit) or is plying or standing for hire in a “street” the byelaw does not apply.

### **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 Scampion* (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 favoring 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, this 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 follows<sup>1</sup>:
  - 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

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<sup>1</sup> Third Edition - Paragraph 8.52 (page 196)

evidenced by his actions if approached by a prospective passenger.

- 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 2006 Order

**Schedule 2** - Details of Private Ranks in Halton

**Schedule 3** - Procedural Issues

**Schedule 4** - Legislation Relevant to Ranks

## Schedule 1

## Details of Designated Ranks in Halton under the 2006 Order

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

**WIDNES**

<b><i>Stand Number</i></b>	<b><i>Location</i></b>	<b><i>Order Plan Number</i></b>	<b><i>Permitted Maximum Number of Vehicles</i></b>	<b><i>Permitted Times of Use</i></b>
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	8905	3	2100-0600

**RUNCORN**

<b><i>Stand Number</i></b>	<b><i>Location</i></b>	<b><i>Order Plan Number</i></b>	<b><i>Permitted Maximum Number of Vehicles</i></b>	<b><i>Permitted Times of Use</i></b>
16	High Street	8906	8	Any
17	Public Hall Street	8904	8	Any
18	Halton Lea (off	TD/TM/SJB/R/L/01	3	Any

	Second Avenue)			
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## Schedule 2

### Details of Private Ranks in Halton

#### Widnes

Albert Square

Asda

Morrisons

#### Runcorn

Asda

Runcorn Railway Station

Sommerfields

Trident Centre



## Schedule 3

### 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

Non specified but should identify:

- Where
- How many
- Time limits if any

##### Road Markings and signs

The Traffic Signs Regulations and General Directions 2002 contain detailed requirements.

##### The Traffic Signs Regulations and General Directions 2002 (SI 2002/3113)

1. The road markings are set out at diagram 1028.2.
2. These road markings can be used in connection with plates: 640, 650.1, 650.2, 650.3 and 857.1.
3. One Regulation (12(6)) and four Directions (7, 22(3), 24(1) and 25) apply.

##### Road Markings:

- When used with plate 650.1 (No stopping) a continuous longitudinal yellow line 200 or 300 mm wide shall be placed along the carriageway in the manner shown in diagram 1025.1.

**Plates:**

- 640 No loading
- 650.1 No stopping
- 650.2 No waiting (limited time)
- 650.3 No waiting (limited time variant)
- 857.1 Blue "Stand for XXX taxis" plate

**Regulation 12(6)**

This requires internal consistency in signs where different dimensions can be chosen so that shape and proportions are maintained.

**Direction 7**

This requires that the above road marking and plates (except for plate 867.1) may only be used to indicate the effect of an Act, order, regulation, byelaw or notice which prohibits or restricts the use of the road by traffic. This provision seems to be designed to prohibit certain "informal" signs which are not backed up by authority.

**Direction 22(3)**

This states that diagram 1017 (single yellow lines) or 1018.1 (double yellow lines) may not be used in conjunction with diagram 1028.2 (when used in conjunction with plate 650.1 (n stopping)).

**Direction 24(1)**

This requires certain plates to be used in conjunction with certain road markings. Thus.

Road markings 1028.2 must be used in conjunction with plates 650.2 and 650.3 but

Plate 640 is only required when the upper panel is varied to the sign shown in diagram 650.3 and

Plate 650.1 is only required with 1028.2 when varied to include a continuous yellow line 200 or 300 mm in the manner in diagram 1025.1.

**Direction 25**

This is essentially the flip side of Regulation 24(1) by requiring certain road markings only to be used in conjunction with certain plates.

**Schedule 4**

**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:

. . .  
F1

(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 <sup>M1</sup>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.

## **APPENDIX B**

### **RESPONSES TO CONSULTATION EXERCISE**

#### **Proposals made by Cllr Rob Polhill**

Cllr Polhill proposes that there should be new ranks:

- A1. Outside the Imperial Widnes
- A2. Outside St Pauls Church Widnes

#### **REPLY TO PROPOSALS:-**

- A1. This is supported. There would be space for a stand for 4 Hackney Carriages to the north east of the existing bus stop on the left hand side of the carriageway. (Also, see B2)
- A2. The area outside St Pauls Church Widnes is not specifically a layby but rather a pull in suitable for such use as the temporary parking of a funeral car. There may also be a risk to pedestrians and other road users were there to be a change of use. (Also, see B1)

#### **Proposals made by John Gerrard (Taxi Driver)**

In so far as they relate to the consultation exercise Mr Gerrard proposes:-

B1. "I would like to see the lay-by at St Paul's Church, Widnes adopted as a taxi rank during the same hours as the opposite rank outside the Bar Reef premises. The adoption of the same hours would not interfere with the daytime use of the lay-by".

B2. "I would also like to see a new rank created outside the Imperial public house on Albert Road. This could be situated on either side and I would suggest the operational hours are from 18.00 hours daily".

B3. "I would like to see an extension to the hours of the rank outside Wetherspoons so as to be operational from 18.00 hours daily".

#### **REPLY TO PROPOSALS:-**

- B1. See response at A2 above.
- B2. This is supported. (See A1 for reasons).
- B3. This is supported. It would incur minimal disruption to the general public and local traders

## Proposals made by the Highway Authority

The Highways Authority proposes:-

C1 "I am now in a position to progress phase 2 [of the Appleton Village Scheme] through to formal consultation with the public and other interested parties. Statutory Undertakers and Emergency Services have already been consulted and no objections were raised.

The element of the scheme which I believe will be of interest to yourself, are the alterations to the taxi stand on Appleton Village and the public car park. The existing stand allows for 10 taxis, though the available length does not currently support this. With the introduction of the traffic signals at the junction, I am even more conscious about the available safe length. What I propose is that the stand allows a length for no taxis.

With the alterations to the car park area, I propose the addition of no parking bays and to also provide a safe pedestrian route, avoiding conflict between pedestrians and vehicles. To achieve this aim however, kerb lines will need realigning and following such work, it would not be possible to manoeuvre a coach around the top side of the car park (close to the school entrance). Emergency vehicles and refuse lorries will still be accommodated. As the safe route to school is a primary concern, I also propose that the taxi stand is made available to coaches / buses. The use of the stand for this purpose would be infrequent, i.e.. only school day and term time".

REPLY TO PROPOSALS:-

C1. **This is not supported as suggested.** It would be unlawful for vehicles other than licensed Hackney Carriages to use an official Stand. Alternative proposals have been offered and are being considered which will require the movement of the existing rank sideways and away from the carriageway into a newly created lay by. The usage of the rank will be unaffected with the possible exception of a reduction (of 2 spaces) in capacity.

**APPENDIX C**

**Taxi Ranks Consultation  
Additional Ranks Consideration  
Widnes**

<b>Albert Road</b>	<b>Outside Imperial towards Ross Street - Rank for 4 Taxis 20.00 to 06.00 – See Appendix E(P1)</b>
<b>Albert Road</b>	<b>Between 77 and 87 Albert Road in existing parking bays– See Appendix E (P2)</b>
<b>Witt Road</b>	<b>Side of the Doctors Pub. Unlikely to be used as out of site of Victoria Square.</b>
<b>Victoria Road</b>	<b>Outside St Pauls Church – Location not supported by Highways Authority</b>
<b>Town Lane Hale</b>	<b>Outside shops – Private land and due to the relative infrequency of passengers does not display a need</b>



**APPENDIX D**

**Taxi Ranks Consultation  
Additional Ranks Consideration  
Runcorn**

<b>Sandymoor</b>	<b>Entrance to Sandymoor Community Centre Otterburn Street – Private Road &amp; no evidence of need</b>
<b>Moore</b>	<b>Red Lion Pub Busy road - too narrow.</b>
<b>Daresbury</b>	<b>Ring O’Bells pub is on a junction opposite a bus stop and narrow road. Un-named road leading to Keckwick Lane Rank for 8 Time Limited (Creamfields) Cannot justify the cost of, and limited demand, for a rank which in effect would only be operating for three days a year</b>
<b>Preston Brook/Brookvale</b>	<b>Preston Brook Pub – Private land which is taken up predominantly by existing car parking for the pub and adjacent hotel. Little need or demand for a taxi stand</b>
<b>Murdishaw</b>	<b>Halton Arms Pub – As above. Very quiet area with very little pedestrian traffic. Runcorn East Station – Private land which is in extensive need of improvement by the owners. Currently used as a car park . There is no vehicular access direct to the station. Relatively small footfall</b>
<b>Windmill Hill</b>	<b>Windmill Hill Local Centre – Unsuitable for parking and ranking of vehicles. Could create a risk to other road users. No previous evidence of need Private land need to check ownership</b>
<b>Castlefields</b>	<b>No current ranks and no requests. No apparent demand. The principal highway has insufficient straights to safely establish a rank.</b>
<b>Halton Village</b>	<b>Castle Pub – Private land around the pub, principally used as a car park. Approach road very narrow.</b>
<b>Weston / Weston Point</b>	<b>No current ranks and no requests. No apparent demand</b>
<b>Grangeway</b>	<b>Grangeway shops evening rank for 2 taxis. The</b>

	<p>establishment of a rank could interfere with loading, deliveries etc. to existing shops. No demand after the shops closed for business. Suggest monitoring for future need</p> <p>Grangeway near to Youth Centre rank for 5 taxis</p> <p>Road Junctions, Bus Stops and traffic calming would currently restrict the choice of site for a rank. Suggest monitoring for future need</p>
<b>Halton Lodge</b>	<b>No current ranks and no requests. No apparent demand</b>
<b>Halton Brook</b>	<b>No current ranks and no requests. No apparent demand</b>
<b>Shopping City</b>	Bridge going from Hospital to Hallwood Park. Widest highway in the area but with very little footfall. <b>No apparent demand</b>
<b>Palacefields</b>	<b>No current ranks and no requests. No apparent demand</b>
<b>Beechwood</b>	<b>Between Beechwood Community Centre and the Beechwood Pub rank for 2 taxis. The existing highway is relatively narrow with no facilities for pull ins or safe vehicular waiting. Not considered suitable</b>
<b>Sutton Weaver</b>	<b>Ashbrook Avenue outside Holiday Inn exit barrier – rank for 3 taxis. No apparent demand. Perhaps monitor for future</b>
<b>High Street</b>	<ul style="list-style-type: none"> <li>• <b>Outside bookshop rank for 5 taxis – Recommended see Appendix E (P4)</b></li> <li>• <b>Brindley Arts Centre outside entrance – off road rank – recommended for future consideration on a timed basis. Too far from highway to justify 24hr. rank.</b></li> <li>• <b>Outside Bargain Booze rank for 7 taxis - Evening only rank 20.00 to 06.00 With existing structure of highway would be more suitable as a rank for 4 vehicles. Recommended for 4 - See Appendix E (P5)</b></li> </ul>
<b>Church Street</b>	<b>Currently a rank off Church Street in Public Hall</b>

	<b>Street for eight vehicles which served the area.</b>
<b>Public Hall Street</b>	<b>Already has a rank (See Church St)</b>
<b>Alcock Street</b>	<b>Currently access restricted by bus station.</b>
<b>Runcorn Railway Station</b>	<b>Looked at entrance road – too narrow. Also existing rank on private land of forecourt of station</b>

## Appendix E

### Proposals consequent on review

#### Widnes.

P1. New evening Rank for **four** vehicles outside The Imperial at Albert Road, adjacent to but after the existing bus stop.

**Times:** 18:00hrs to 06:00hrs

P2. New evening Rank for **two** vehicles between 77 and 87 Albert Road as a feeder for the existing rank outside Wetherspoons.

**Times:** to coincide with amended timing for the rank outside Weather spoons (see P3)

P3. *Existing* rank outside Wetherspoons at Albert Road.

**Times:** change to 1800-0600 from existing times of 2100-0600

#### Runcorn.

P4. New evening Rank for **five** vehicles on High Street in existing lay-by outside Estate Agents and Bookshop

**Times:** 20:00hrs to 06:00hrs

P5. New evening Rank for **four** vehicles on High Street outside Bargain Booze

**Times:** 20:00Hrs to 06:00 Hrs

**REPORT:** Regulatory Committee  
**DATE:** 14 June 2010  
**REPORTING OFFICER:** Chief Executive  
**SUBJECT:** Legal Services Licensing in Tables  
**WARDS:** Borough-wide

**1. PURPOSE OF REPORT**

The purpose of this report is to update members on the changes made to the Legal Services Licensing in Tables currently on the Councils Internet.

**2. RECOMMENDED:**

- 1. the amended information contained in Legal Services Licensing in Tables be noted; and**
- 2. although the Committee will continue to receive training on relevant areas the Committee is invited to identify any areas of interest to be included in future training.**

**3. SUPPORTING INFORMATION**

- 3.1** At the Committee meeting on 18 September 2006 members were advised of a document relating to the various licences dealt with by Legal Services and resolved that the information as outlined be published on the Councils web site.
- 3.2** This document is updated each year and presented to members.
- 3.3** The amended version of the Legal Services Licensing in Tables will be presented to members at the meeting and then put onto the Councils web site.

**4. POLICY IMPLICATIONS**

There are no policy implications

**5. OTHER IMPLICATIONS**

There are no other implications from this report

**6. IMPLICATIONS FOR THE COUNCILS PRIORITIES**

- 6.1 **Children and Young People in Halton**  
None
- 6.2 **Employment Learning and Skills in Halton**  
N/A
- 6.3 **A healthy Halton**  
N/A
- 6.4 **A Safer Halton**  
None
- 6.5 **Halton's Urban Renewal**  
N/A

**7 RISK ANALYSIS**  
N/A

**8 EQUALITY AND DIVERSITY ISSUES**  
N/A

**11 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
Application Documents	Legal Services	John Tully/ Kay Cleary

## **Legal Services Licensing in Tables**

### **Introduction Nature of Licensing**

Licensing covers a whole spectrum of controls which have been imposed by Parliament over many years.

The underlying purpose of Local Authority licensing is protection of people, animals or the environment.

Some licensing is really just a simple registration system (e.g. Scrap Metal Dealing).

Some comprise more elaborate registration systems (e.g. Street Collection Permits and Societies Lotteries) where the issue of the permit is not the end of the process.

In this document the word “licence” is used to include licence, permit, registration and notice.

Some licensing relates to animal welfare (e.g. riding establishment permits) where establishing proper welfare conditions is a pre-condition of grant.

Other types of licensing involve consideration a range of policy considerations and often complex interactions between applicants and the public (e.g. Taxi Licensing, Alcohol/Entertainment Licensing and Gambling Licensing).

It follows from the above that the process of licensing can vary from a straight application and grant (two transactions) to a range of interactions over a period of months leading to a grant (or conditional grant) or refusal of an application – the latter two giving rights of appeal.

For all but the simplest type of licence the application process involves contact with a range of internal departments (mainly planning, highways and environmental officers) and external agencies (mainly police and fire authorities) together with other disciplines (e.g. Vets).

Charges for licences are equally variable. Some charges are set by the Council, some by central government, and some can't be charged for.

The following Tables provide a snapshot of a number of issues associated with Licensing.

**Table 1**  
**Types of licences involved**

Licence type administered by Legal Services	What these licences deal with
Adult Gaming Centres	Require a premises licence under section 150 Gambling Act 2005 for the use of gaming machines which have higher stakes and prizes than allowed in family entertainment centres.
Alcohol, Regulated Entertainment and Late Night Refreshment	The supply of alcohol, regulated entertainment and late night refreshment (as defined in the Licensing Act 2003) require a premises licence. See also Temporary Event Notices (Licensing Act 2003).
Alcohol Premises (as of right ) gaming machines	See Licensed Premises Gaming Machine Permits
Animal Boarding Establishments	Boarding establishments for dogs and cats require a licence under the Animal Boarding Establishments Act 1963.
Betting Shops	Require a premises licence under section 150 Gambling Act 2005
Bingo Halls	Require a premises licence under section 150 Gambling Act 2005
Bingo (other than Bingo Halls)	See prize gaming
Club Gaming Permits	These authorise the use of certain gaming machines as well as the provision of facilities for gaming and games of chance as defined in section 271 Gambling Act 2005
Club Gaming Machine Permits	These authorise the use of certain gaming machines as defined in section 273 Gambling Act 2005
Dangerous Wild Animals	The keeping dangerous wild animals requires a licence under the Dangerous wild Animals Act 1976
Dog Breeding	The keeping breeding establishments for dogs requires a licence under Breeding of dogs Acts 1973 as amended
Family Entertainment Centre (Licensed)	Require a premises licence under section 150 Gambling Act 2005 for the use of gaming machines which have a lower stakes and prizes than allowed in adult gaming centres
Family Entertainment Centre (unlicensed) Gaming Machine Permits	Used where Family Entertainment Centres do not hold Premises Licences and authorises the use of Category D gaming machines under section 247 Gambling Act 2005
Gaming Machines	See under the relevant types of premises
Hawkers	In designated places a consent is required under section 30 Cheshire County Council



	Act 1980 for the following activities – touting for hotels and restaurants etc; hawking, selling or offering things for sale; trade photography; hiring vehicles, chairs seats or animal rides.
Hypnotism	Exhibitions of hypnotism require the consent of the Council under the Hypnotism Act 1952
House to House Collections	Permits are required under the House to House Collections Act 1939 for collections house to house for charitable purposes. “Collection” means an appeal to the public whether for consideration or not to give money or other property. “Charitable” includes charitable, benevolent or philanthropic purposes.
Late Night Refreshment	A premise Licence is required for the provision of Late Night Refreshment as defined in Schedule 2 Licensing Act 2003. See Alcohol above. See also Temporary Event Notices (Licensing Act 2003
Licensed Premises Gaming Machine Permits	These may permit the use of Category C or D Gaming Machines on (alcohol) licensed premises in accordance with section 283 Gambling Act 2005. Note also section 282 which provides for the automatic entitlement to one or two Category C or D Gaming Machines subject to conditions.
Lotteries (Small Society)	Small societies may promote lotteries subject to a range of conditions subject to registration with a local authority under Schedule 11 Gambling Act 2005
Motor Salvage Operators	A permit is required under Vehicle (Crime) Act 2001 for the recovery for re-use or sale of salvageable parts from motor vehicles and subsequent sale of scrap; purchase of written-off vehicles and their subsequent repair and re-sale.
Occasional Use Notices	See Temporary Use Notices (Gambling Act 2005)
Pet Shops	A licence is required for keeping a pet shop under the Pet Shops Act 1951
Performing Animals (from September 2006)	Exhibiting or training performing animals requires a licence under the Performing Animals (Regulation) Act 1925
Prize Gaming Permits	Prize gaming is defined in section 288 Gambling Act 2005 and permits for prize gaming are obtained under section 289 and Schedule 14 of that Act. Prize gaming is gaming where neither the nature nor the size of the prize is determined by reference to the number of persons playing or the amount paid for or raised by

	the gaming. Bingo is a good example of prize gaming and prize gaming permits may be used for bingo where no Bingo Premises Licence is in place.
Regulated Entertainment	A premise Licence is required for the provision of regulated entertainment as defined in Schedule 1 Licensing Act 2003. See Alcohol above. See also Temporary Event Notices (Licensing Act 2003).
Riding Establishments	A Licence is required under the Riding Establishments Acts 1964 and 1970 for the keeping horses for being let out on hire for riding or instruction in riding
Scrap Metal Dealers	A person carrying on business of scrap metal dealer is required to be registered with the Council under the Scrap Metal Dealers Act 1964
Sex Establishments	These require a licence under the Local Government (Miscellaneous Provisions) Act 1982. The term "sex establishment" includes sex cinemas and sex shops.
Street Collections	Collecting money or selling articles for charitable or other purposes in any street or public place requires a permit under the Police, Factories, etc., (Miscellaneous Provisions) Act 1916
Street Trading	A street trading consent is required under the Local Government (Miscellaneous Provisions) Act 1982 for selling or exposing or offering for sale of any article (including a living thing) in a street. Note that there are nine categories of activity (e.g. news vending) which are excluded from the definition. But also note that some of these exceptions may still be caught by the Hawking category listed above.
Taxi and Private Hire	Licensing hackney carriage (taxi) vehicles and drivers and private hire vehicles, drivers and operators is controlled by the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847
Temporary Event Notices (Licensing Act 2003)	Usually referred to as TENS. These allow activities otherwise requiring a premises licence under the Licensing Act 2003 to be carried on without a premises licence on a limited number of occasions subject to a range of conditions. See Part 5 Licensing Act 2003.
Temporary Use Notices (Gambling Act 2005)	Usually referred to as TUNS. These allow activities otherwise requiring a premises licence or a permit under the Gambling Act 2005 to be carried on without a

	premises licence on a limited number of occasions subject to a range of conditions. See Part 9 Gambling Act 2005. Note also Occasional Use Notices (OUNS) under section 39 Gambling Act 2005 which relate betting on a horse-race track, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place.
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**Table 2**  
**Persons involved other than Legal Services**

<b>Licence type administered by Legal Services</b>	<b>Persons involved other than Legal Services</b>
Adult Gaming Centre	Police; Fire; Gambling Commission; H M Revenue & Customs; Health & Safety Authority; Environmental Health Authority; Planning Authority; Child Welfare Authority
Alcohol, Regulated Entertainment & Late Night Refreshment	Police; Fire; Planning Authority; Health & Safety Authority; Environmental Health Authority; Child Welfare Authority; various maritime and waterways authorities
Alcohol Premises (as of right) machines	None
Animal Boarding Establishments	EHOs; Vets
Betting Shops	See Adult Gaming Centre
Bingo Halls	See Adult Gaming Centre
Bingo (other than Bingo Halls)	None
Club Gaming Permit	Gambling Commission; Police
Club Gaming Machine Permits	Gambling Commission; Police
Dangerous Wild Animals	EHOs; Vets
Dog Breeding	EHOs Vets
Family Entertainment Centre Premises Licence	See Adult Gaming Centre
Family Entertainment Centre (unlicensed) Gaming Machine Permits	None
Gaming Machines	See relevant licence or permit
Hawkers	Town Centre Manager
House to House Collections	Charities Commission; Police
Hypnotism	N/A
Late Night Refreshment	See Alcohol above
Licensed Premises Gaming Machine Permit	None
Lotteries (Small Society)	None
Motor Salvage Operators	Police
Pet Shops	EHOs
Performing Animals	EHO's
Prize Gaming Permits	None
Regulated Entertainment	See Alcohol above
Riding Establishments	EHOs; Vet

Scrap Metal Dealers	Police
Sex Shops	Police
Street Collections	Charity Commission; Police
Street Trading	Highways; EHOs; Town Centre Manager
Taxi & Private Hire Drivers/Operators	CRB; DVLA; Occupational Health; Police; other licensing authorities; HDL
Taxi & Private Hire Vehicles	HBC Fleet Management Section; Insurers; Police; other Licensing authorities; HDL

**NOTE TO TABLE 2**

Some licence/permit applications are purely administrative in nature and do not involve other Council departments or external agencies (except in some cases the Council's Direct Link Offices provide and receive application forms). However, Table 2 is designed to give a flavour as to the extent of involvement outside of the Council's Legal Services in the determination of applications

**Table 3****Other Legislation to be implemented in 2009/2010**

<b>Other Legislation to be implemented in 2010/2011</b>
<b>Animal Welfare Act (relevant to most animal related licensing)</b>
<b>Charities Act (Street and House to House Collections regime)</b>
<b>Sex Entertainment Venues</b>

**NOTE TO TABLE 3**

In the first two cases listed in Table 3 the legislation has been made but relevant regulations to bring the legislation into effect have not been made.

**Table 4****Miscellaneous**

	Can the Application be made in Person (1)	Can the Application be made by Post (2)	Is there an automatic entitlement to Grant (3)	Are Policy Matters Involved (4)
Adult Gaming Centres	N	Y	N	Y
Alcohol	N	Y	N	Y
Alcohol Premises (as of right) gaming machines	N	Y	Y	Y
Animal Boarding Establishments	N	Y	N	Y
Betting Shops	N	Y	N	Y
Bingo Halls	N	Y	N	Y
Bingo (other than Bingo Halls)	N	Y	Y	Y

Club Gaming Permits	N	Y	N	Y
Club Gaming Machine Permits	N	Y	N	Y
Dangerous Wild Animals	N	Y	N	Y
Dog Breeding	N	Y	N	Y
Family Entertainment Centre Premises Licence	N	Y	N	Y
Family Entertainment Centre (unlicensed) Gaming Machine Permit	N	Y	Y	Y
Hawkers	Y	Y	N	Y
House to House Collections	N	Y	N	Y
Hypnotism	Y	Y	N	Y
Late Night Refreshment	N	Y	N	Y
Licensed Premises Gaming Machine Permits	N	Y	Y	Y
Lotteries (Small Societies)	N	Y	Y	Y
Motor Salvage Operators	N	Y	N	Y
Pet Shops	N	Y	N	Y
Performing Animals	N	Y	N	Y
Prize Gaming Permits	N	Y	Y	Y
Regulated Entertainment	N	Y	N	Y
Riding Establishments	N	Y	N	Y
Scrap Metal Dealers	N	Y	Y	N
Sex Shops	N	Y	N	Y
Street Collections	N	Y	N	Y
Street Trading	Y	Y	N	Y
Taxi & Private Hire Drivers/Operators	Y	N	N	Y
Taxi & Private Hire Vehicles	Y	N	N	Y

**NOTES TO TABLE 4**

- (1) Where applications can be made in person they must be made at one of the Council's Direct Link Offices

- (2) Where applications can be made by post they must be sent to the Council's Legal Services Licensing Section at the address shown on the relevant application form (but note that a number of applications must also be sent to statutory consultees and may also require advertisement)
- (3) Where there is not an automatic entitlement to the grant of an application objections may be made to the application
- (4) Where policy matters are involved (e.g. the Council's Statement of Licensing Policy), applicants are advised to familiarise themselves as to the relevant policy – details can be found on the Council's website

**Table 5**  
**Charges**

Licence type administered by Legal Services	Charges set by Central Government	No charges allowed	Charges set by the Council
Adult Gaming Centres	Y***		
Alcohol	Y		
Alcohol Premises (as of right) gaming machines	Y		
Animal Boarding Establishments			Y
Betting Shops	Y***		
Bingo Halls	Y***		
Bingo (other than Bingo Halls)	Y		
Club Premises Permits	Y		
Club Premises Gaming Machine Permits	Y		
Dangerous Wild Animals			Y
Dog Breeding			Y
Family Entertainment Centre Premises Licence	Y***		
Family Entertainment Centre (unlicensed) Gaming Machine Permit	Y		
Hawkers			Y
House to House Collections		Y	
Hypnotism		Y	
Late Night Refreshment	Y		
Licensed Premises Gaming Machine Permits	Y		
Lotteries (Small Societies)	Y		
Motor Salvage Operators			Y
Pet Shops			Y
Performing Animals			Y
Prize Gaming Permits	Y		
Regulated Entertainment	Y		
Riding Establishments			Y
Scrap Metal Dealers		Y	

Sex Establishments			Y
Street Collections		Y	
Street Trading			Y
Taxi & Private Hire Drivers/Operators			Y
Taxi & Private Hire Vehicles			Y

**NOTE TO TABLE 5**

The coding Y\*\*\* means that central government sets the maximum charge that may be imposed by the Council. In these cases the Council sets the actual charges up to the maximum figure allowed.

**Table 6****Approximate numbers of licences 2009/2010**

(NOTE: Numbers change regularly: this table is a snapshot of the position as at January 2010)

<b>Licence type administered by Legal Services</b>	<b>Numbers</b>
Adult Gaming Centres	12
Alcohol, Regulated Entertainment & Late Night Refreshment:	
Premises Licences	349
Club Premises Certificates	26
Personal Licences	774
Temporary Event Notices	97
Alcohol Premises (as of right) gaming machines	93
Animal Boarding Establishments	3
Betting Shops	23
Bingo Halls	3
Bingo (other than Bingo Halls)	0
Club Gaming Permits	1
Club Gaming Machine Permits	5
Dangerous Wild Animals	0
Dog Breeding	1
Family Entertainment Centre Premises Licence	0
Family Entertainment Centre (unlicensed) Gaming Machine Permit	0
Hawkers	1
Hypnotism	0
House to House Collections	22
Licensed Premises Gaming Machine Permits	5
Lotteries (Small Societies)	72
Motor Salvage Operators	3
Pet Shops	6
Performing Animals	1
Prize Gaming Permits	7

Riding Establishments	1
Scrap Metal Dealers	4
Sex Shops	0
Street Collections	11
Street Trading	19
Taxi and Private Hire Drivers (SSD)	480
Private Hire Operators	21
Private Hire Vehicles	117
Taxi (Hackney Carriage) Vehicles	267
Temporary Event Notices (TENS)**	97
Transfer of Premises Licence++	45
Vary Designated Premises Supervisor++	89

\*\*A Temporary Event Notice can be issued for up to 96 hours

++ Number of applications received between 1 April 2008 and 31 March 2009