

NORTH LINCOLNSHIRE COUNCIL

LICENSING COMMITTEE

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 &
THE PUBLIC HEALTH ACT 1925
ADOPTION OF THE HACKNEY CARRIAGE STAND AT SCUNTHORPE
RAILWAY STATION**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To consider the adoption of the Hackney Carriage Stand at Scunthorpe Railway Station in accordance with section 63 of the Local Government (Miscellaneous Provisions) Act 1976, subject to considerations under section 76 of the Public Health Act 1925.

2. BACKGROUND INFORMATION

- 2.1 Hackney Carriage Vehicles, which are regulated in accordance with the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 are allowed to sit and ply for hire on stands appointed for this purpose.
- 2.2 Such stands may either be appointed through a traffic regulation order or via section 63 of the aforementioned Act. In North Lincolnshire the stands have been adopted through Traffic Regulation Orders.
- 2.3 Section 63 allows a stands to be appointed 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...". Section 76 of the Public Health Act 1925 states that land owned by the railway can also be included as part of the highway (for the purpose of Taxi Licensing) if the said section has been adopted. If section 76 has been adopted, then the station forecourt would be covered by the provisions of the Town Police Clauses Act 1847.
- 2.4 Currently, the stand on the forecourt of the Railway Station has not been adopted formally. As a result, should an offence be committed under this legislation, such as where a driver refuses to carry a passenger – then no enforcement action can be taken.

2.5 It is proposed to rectify this situation by adopting the stand under section 63 of the Local Government (Miscellaneous Provisions) Act 1976. If we can rely on section 76 of the Public Health Act 1925, the Council will notify the land owner of the intention to adopt the Rank, otherwise the Council will have to seek permission from the land owner.

3. OPTIONS FOR CONSIDERATION

3.1 Option 1 – To agree to adopt the stand on the forecourt of Scunthorpe Railway Station in accordance with section 63 of the Local Government (Miscellaneous Provision) Act 1976, taking in to consideration the requirements of the Act concerned and the Public Health Act 1925.

3.2 Option 2 – To maintain the current situation and not adopt the stand.

4. ANALYSIS OF OPTIONS

4.1 Option 1 – The adoption of the stand would enable the drivers of the Hackney Carriage vehicles to be regulated more effectively. If section 76 of the Public Health Act 1925 can be relied on, then notification can be given to the land owner of the Councils intent to adopt the stand, otherwise permission will be sought. In either case, the adoption of the stand under section 63 will enable the better protection of the public travelling in North Lincolnshire and ensure that driver do not refuse to carry passengers.

4.2 Option 2 – Maintaining the current situation would result in the Council being unable to enforce the provisions of the Town Police Clauses Act 1847 and as such drivers would be able to refuse any passengers they wish.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 Financial – There are no financial, staffing, property or IT implications from this report.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

6.1 Statutory – The adoption of the stand would result in the Council being able to take action against drivers where an offence has been committed.

6.2 There are no environmental, diversity, Section 17, risk or other implications.

7. OUTCOMES OF CONSULTATION

7.1 Formal Consultation will commence following the approval of this report.

8. RECOMMENDATIONS

8.1 That the report is approved and that subject to the provisions of the relevant legislation, the adoption of the stand on the forecourt of the station be approved.

DIRECTOR OF PLACES

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Background Papers used in the preparation of this report – Nil