

Item: 6

Licensing Committee: 4 March 2021.

Taxi Stances – Broad Street and Castle Street, Kirkwall.

Report by Chief Executive.

1. Purpose of Report

To present the outcome of the public consultation on provision of taxi stances on Broad Street and Castle Street, Kirkwall.

2. Recommendations

The Committee is invited to note:

2.1.

That, on 1 December 2020, the Committee resolved to consult on:

- Revocation of the appointment of a taxi stance for three vehicles on Broad Street, Kirkwall.
- Appointment of a taxi stance for three vehicles on Castle Street, Kirkwall.

2.2.

That the statutory consultation and notification process was undertaken from 10 December 2020 to 4 February 2021, when taxi operators, Police Scotland, the Roads Authority and the public were requested to submit representations in respect of the proposals, referred to at paragraph 2.1 above.

2.3.

That one representation was received from operators, as detailed in section 4.3 of this report.

It is recommended:

2.4.

That the appointment of a taxi stance for three vehicles on Broad Street, Kirkwall, be revoked.

2.5.

That a taxi stance for three vehicles on Castle Street, Kirkwall be appointed.

3. Introduction

3.1.

On 1 December 2020, when considering the provision of taxi stances on Broad Street and Castle Street, Kirkwall, the Licensing Committee resolved, in terms of delegated powers:

3.1.1.

That the Licensing Committee should consult on:

- Revocation of the appointment of a taxi stance for three vehicles on Broad Street, Kirkwall.
- Appointment of a taxi stance for three vehicles on Castle Street, Kirkwall.

3.1.2.

That the Chief Executive should submit a report, to the meeting of the Licensing Committee to be held on 4 March 2021, on the outcome of the consultation, referred to at paragraph 3.1.1 above.

3.2.

The Council publishes information about its powers in relation to the appointment of or changes to taxi stances at <https://www.orkney.gov.uk/Service-Directory/T/Taxi-Ranks.htm>.

4. Consultation and Notification

4.1.

Particulars of the consultation and notification process are detailed in section 7 below. These include a requirement that, before appointing any taxi stance, the licensing authority must publish the proposal in a newspaper circulating in its area.

4.2.

Notification of the consultation was sent by email to taxi operators, Police Scotland and the Roads Authority on 10 December 2020.

4.2.1.

Police Scotland responded by email on 16 December 2020 to confirm that they had no objections or representations in respect of the proposals.

4.3.

A communication was received from Craigies Taxis Limited on 16 December 2020. It was apparent from the communication that the firm was under a misapprehension that the proposal to revoke the taxi stance on Broad Street, Kirkwall, and to appoint a taxi stance on Castle Street, Kirkwall, had already been passed. The Licensing Service responded to Craigies Taxis Limited to clarify that the proposal had in fact

not been passed, that the consultation was still in progress and that the closing date for representations or objections was 4 February 2021. The firm was given an opportunity to make representations or objections. No subsequent representations or objections were received during the consultation period.

4.4.

The public consultation process was undertaken during the period 7 January to 4 February 2021 and no representations were received.

4.5.

In the absence of any substantive representations or counter-proposals, it is recommended that:

- The appointment of a taxi stance for three vehicles on Broad Street, Kirkwall, be revoked.
- A taxi stance for three vehicles on Castle Street, Kirkwall be appointed.

5. Corporate Governance

This report relates to the Council complying with its statutory duties as a Licensing Authority and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

6. Financial Implications

There are no direct financial implications to the Council arising from the recommendations of this report.

7. Legal Aspects

7.1.

In terms of section 19(1) of the Civic Government (Scotland) Act 1982 (the 1982 Act), a licensing authority may, after consultation with persons or organisations appearing to them to be, or be representative of, the operators of taxis operating in their area, appoint stances for taxis for the whole or any part of a day in any road within their area or on any land owned by the authority or, with the consent of the owner, on any land owned by him/her.

7.2.

In terms of section 19(2) of the 1982 Act, a licensing authority may:

- Erect and illuminate signs.
- Cause lines or marks to be made on roads, indicating the limits of taxi stances.

7.3.

In terms of section 19(3) of the 1982 Act, a licensing authority may from time to time, after consultation in accordance with section 7.1 above, vary the number of taxis permitted to be at each stance and alter the position of such stances or revoke the appointment thereof.

7.4.

In terms of section 19(4) of the 1982 Act, before appointing any stance for taxis or varying the number of taxis permitted to be at each stance, the licensing authority shall give notice to the chief constable of the area in which the stance is situated and shall also give public notice of the proposal by advertisement in at least one newspaper circulating in their area and shall take into consideration any objections or representations in respect of such proposal which may be made to them in writing within 28 days of the first publication of such notice.

7.5.

Section 19(5) of the 1982 Act provides that nothing in section 19 of the Act shall empower a licensing authority to appoint any taxi stance so as unreasonably to prevent access to any premises or, without the consent of the roads authority to appoint any taxi stance on any road or erect or illuminate any sign there or cause any line or mark to be made on any road.

8. Contact Officers

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