

Item: 7

Licensing Committee: 1 December 2020.

Taxi Stances – Broad Street and Castle Street, Kirkwall.

Report by Chief Executive.

1. Purpose of Report

To consider the provision of taxi stances on Broad Street and Castle Street, Kirkwall.

2. Recommendations

The Committee is invited to note:

2.1.

That, in terms of section 19 of the Civic Government (Scotland) Act 1982, subject to specified consultation requirements, licensing authorities have the following powers:

- To appoint stances for taxis.
- To vary the number of taxis permitted to be at each stance.
- To alter the position of such stances.
- To revoke the appointment thereof.

2.2.

That, on 2 June 1994, following consultation in terms of section 19 of the Civic Government (Scotland) Act 1982, the Licensing Sub-committee appointed a taxi stance for three vehicles on Broad Street, Kirkwall, to be used only between the hours of 08:30 and 20:30.

2.3.

That, on 10 November 2020, the Development and Infrastructure Committee considered a report reviewing on-street parking in Kirkwall Town Centre, which included information regarding relocation of the taxi stance from Broad Street to Castle Street, Kirkwall, and subsequently resolved, in terms of delegated powers:

- That the existing prohibition of waiting orders covering on-street parking on streets including Broad Street and Castle Street be consolidated into one single order.
- That powers be delegated to the Executive Director of Development and Infrastructure to make the new order, referred to above, should no adverse comments be received during the consultation process in respect of the proposals.

It is recommended:

2.4.

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.

2.5.

That the Chief Executive should submit a report, to the meeting of the Licensing Committee to be held on 4 March 2020, on the outcome of the consultation, referred to at paragraph 2.4 above.

3. Licensing Authority Powers regarding Taxi Stances

3.1.

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.

3.2.

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.

3.3.

In terms of section 19(3) of the 1982 Act, a licensing authority may from time to time, after consultation in accordance with section 3.1 above, vary the number of taxis permitted to be at each stance and alter the position of such stances or revoke the appointment thereof.

3.4.

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.

3.5.

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.

4. Broad Street Taxi Stance

At its meeting on 2 June 1994, following consultation in terms of section 19 of the Civic Government (Scotland) Act 1982, the Licensing Sub-committee resolved to appoint a taxi stance for three vehicles on the west northwest side of A960 Broad Street, Kirkwall, from a point 15 metres or thereby south southwest of its junction with A962 Castle Street, Kirkwall, in a south southwesterly direction for a distance of 17 metres 500 millimetres or thereby, to be used only between the hours of 08:30 and 20:30.

5. Roads Authority

5.1.

At its meeting on 10 November 2020, the Development and Infrastructure Committee considered a report reviewing on-street parking in Kirkwall Town Centre which included the following information:

5.1.1.

As a result of the Kirkwall Places and Spaces Project, on-street parking provision on Broad Street had been reviewed and had resulted in the temporary relocation of the taxi stance to Castle Street.

5.1.2.

There had been requests from businesses to have the taxi stance removed from Broad Street. The changes to Broad Street as part of the Places and Spaces project took this into consideration and relocated the stance, in the first instance on a temporary basis, onto Castle Street. The taxi companies were involved in an engagement process and agreed to the relocation at the time, however, opinions have changed.

5.1.3.

In November 2020, the Chief Executive received a letter and a petition from Craigie's Taxis Limited, signed by 115 residents, requesting that the taxi rank be reinstated on Broad Street, Kirkwall.

5.1.4.

The proposal to review and amend existing on-street parking orders for streets in Kirkwall, including Broad Street and Castle Street, and to consolidate these into a single order.

5.1.5.

The statutory requirement for the Council to obtain a Traffic Regulation Order under the Road Traffic Regulation Act 1984. The statutory procedure which must be followed includes consultation and public advertisement.

5.1.6.

The proposed new Traffic Regulation Order includes the permanent relocation of the taxi rank from Broad Street to Castle Street.

5.2.

The Committee subsequently resolved, in terms of delegated powers:

- That the existing prohibition of waiting orders covering on-street parking on streets including Broad Street and Castle Street be consolidated into one single order.
- That powers be delegated to the Executive Director of Development and Infrastructure to make the new order, referred to above, should no adverse comments be received during the consultation process in respect of the proposals.

6. Consultation

6.1.

As explained in sections 3.1 and 3.3 above, should the Licensing Committee agree to consult on the revocation of the taxi stance for three vehicles on Broad Street, Kirkwall, consultation with taxi operators and the Roads authority will be required in terms of section 19 of the 1982 Act.

6.2.

As explained in sections 3.4 and 3.5 above, should the Licensing Committee agree to consult on the appointment of a taxi stance for three vehicles on Castle Street, Kirkwall, consultation with taxi operators and the Roads authority will be required, as well as provision of notice to the chief constable and public advertisement in terms of section 19 of the 1982 Act.

6.3.

It is proposed that consultation be undertaken as outlined above, with the outcome reported to the meeting of the Licensing Committee to be held on 4 March 2020.

7. 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.

8. Financial Implications

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

9. Legal Aspects

The legal aspects are contained within the body of this report.

10. Contact Officers

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