

CHESHIRE EAST COUNCIL

Cabinet Member for Safer and Stronger Communities

Date of Meeting:	21 st March 2011
Report of:	Head of Safer and Stronger Communities
Subject/Title:	Appointment of Hackney Carriage Stands – Macclesfield and Wilmslow
Portfolio Holder:	Councillor Rachel Bailey

1.0 Report Summary

- 1.1 The report provides (within Appendix 1) background information on the procedural requirements relating to the appointment of hackney carriage stands (or 'ranks'). The report requests approval, subject to statutory consultation, for the appointment of certain hackney carriage stands in Macclesfield and Wilmslow.

2.0 Recommendations

- 2.1 The Cabinet Member for Safer and Stronger Communities is requested to:
- 2.1.1 authorise the Borough Solicitor, or an officer acting on her behalf, to provide notice in accordance with the requirements of section 63 of the Local Government (Miscellaneous Provisions) Act 1976, in relation to the proposed appointment of hackney carriage stands set out in paragraph 10.5 of the report at Appendix 1 (and illustrated within Appendices 2, 3 & 4 of this report);
 - 2.1.2 authorise officers to seek the consent of the Highway Authority in relation to the proposed appointment of hackney carriage stands set out within paragraph 10.5 of the report at Appendix 1 (and illustrated within Appendices 2, 3 & 4 of this report);
 - 2.1.3 subject to the consent of the Highway Authority being received, approve that if no objections or representations are received within the statutory consultation period, the appointment of the hackney carriages stands will come into effect on the day after the last day of the consultation period; and
 - 2.1.4 note that if objections or representations are received within the statutory consultation period, these will be reported to a subsequent meeting for consideration.

3.0 Reasons for Recommendations

- 3.1 On 7th March 2011 the Licensing Committee resolved to recommend to the Cabinet Member for Safer and Stronger Communities the decision requested within paragraph 2.1.

4.0 Wards Affected

- 4.1 Wilmslow South
Macclesfield Town

5.0 Local Ward Members

- 5.1 Wilmslow South - Councillor Gary Barton, Councillor Wesley Fitzgerald and Councillor Rod Menlove
Macclesfield Town – Councillor Stephen Broadhurst, Councillor David Neilson and Councillor Christine Tomlinson

6.0 Policy Implications including - Climate change - Health

- 6.1 None

7.0 Financial Implications 2010/11 and beyond (Authorised by the Borough Treasurer)

- 7.1 The financial implications in relation to the decision recommended are set out within paragraphs 7.4 – 7.6 of the report to the Licensing Committee on 7th March 2011 (attached as Appendix 1).

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 The legal implications in relation to the decision recommended are set out within paragraph 8.4 of the report to the Licensing Committee on 7th March 2011 (attached as Appendix 1).

9.0 Risk Management

- 9.1 The full consideration of any objections and representations received will mitigate the risk of challenge to any subsequent decision.

10.0 Background and Options

- 10.1 Officers have recently undertaken a consultation exercise relating to the hackney carriage service within the Borough dealt with issues such as quantity restrictions, tariffs, conditions and taxi ranks. The consultation period concluded on 18th February 2011 and the responses reported to the Licensing Committee at its meeting on 7th March 2011.
- 10.2 The consultation document listed the current hackney carriage stands (or 'ranks') within each of the three zones. The document also recognised that a previous consultation was carried out by the Highways Authority in 2009 in relation to certain amendments to taxi ranks within the Macclesfield zone (zone 3) and that following that consultation exercise two traffic regulation orders were made under the provisions of the Road Traffic Regulation Act 1984 which included limitations in relation to waiting in hackney carriage stands in Macclesfield and Wilmslow.

- 10.3 As the Cabinet Member will note, paragraphs 10.5.3 and 10.5.4 of the 7th March report provided details of the effect of two traffic regulation orders which came into force in March 2010 and relate to hackney carriage stands in Wilmslow and Macclesfield respectively. On 7th March, the Licensing Committee was requested to consider the factors within section 63(3) of the 1976 Act and to recommend to the Cabinet Member for Safer & Stronger Communities that authorisation be given for the provision of notice relating to the appointment of the stands in Wilmslow and Macclesfield to bring the designation of stands under section 63 of the 1976 Act in line with the provisions within the traffic regulation orders (referred to in paragraphs 10.5 of 7th March report and illustrated within the plans at Appendix 2, 3 and 4 of this report).
- 10.4 The Licensing Committee resolved to recommend to the Cabinet Member for Safer & Stronger Communities that:
- 10.4.1 the Borough Solicitor, or officer acting on her behalf, be authorised to provide notice in accordance with the requirements of section 63 of the 1976 Act, in relation to the proposed variation of hackney carriage stands set out within paragraph 10.5 of the report [of 7th March 2011];
- 10.4.2 officers are authorised to seek the consent of the Highway Authority in relation to the propose variation to hackney carriage stands set out within paragraph 10.5 of the report [of 7th March 2011];
- 10.4.3 subject to the consent of the Highway Authority being received, if no objections or representations are received within the statutory consultation period, the variation to the hackney carriage stands will come into effect on the day after the last day of the consultation period; and
- 10.4.4 it be noted that if objections or representations are received within the statutory consultation period, these will be reported to a subsequent meeting for consideration.

11.0 Overview of Year One and Term One Issues

- 11.1 None

12.0 Access to Information

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