

LEEDS TRAIN STATION

OPINION

1. A planning permission was granted in October 2020 to enable or support a re-development scheme at Leeds Train Station. This will involve a re-location of a taxi rank onto adopted highway land. This leads to a question as to maintenance of the taxi shelter and rank with other appropriate services being licensed by Network Rail; but otherwise with responsibilities for adopted highways remaining in place.
2. A number of solutions to the identified question have been canvassed. I do not consider that section 115 of the Highways Act 1980 plays a part in that which is proposed. This section is directed to the provision of areas by highway authorities for the parking of heavy goods vehicles, the transfer of goods to or from such vehicles and the temporary storage of goods which have been or are to be carried by heavy goods vehicles. A heavy goods vehicle means a motor vehicle constructed or adapted for use for the carriage or haulage of goods and having an unladen weight of 2 tons or more, or a trailer.

3. Accordingly, the use of section 115 of the Highways Act 1980 can be discounted. I also do not consider that the New Roads and Streets Act 1991 and, in particular, section 50 provides the assistance required. The relevant part of the 1991 Act defines street works as works (other than works for road purposes) executed in a street in pursuance of a statutory right or street works licence by placing apparatus or inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, changing its position or removing it including in particular breaking open the street.
4. The City Council, being amongst other things a district council, has power, under section 63 of the Local Government (Miscellaneous Provisions) Act 1976 to appoint stands for hackney carriages for the whole or any part of the day in any highway in the district. This, of course, assumes that Part II of the 1976 Act is in force in Leeds. It would seem likely it is but in any event such should be checked. The Act provides a basis to appoint stands for hackney carriages, i.e. licensed taxis (as opposed to private hire cars).
5. Accordingly (making that assumption about the 1976 Act), the City Council can appoint the land in question as a stand or taxi rank. The proposal is that the British Transport Police should be responsible for the policing of the taxi rank. However, a query has arisen because of the powers of the British Transport Police and their ability to police the rank. By section 31 of the Railways and Transport Safety Act 2003 a constable

of the British Transport Police Force shall have all the powers and privileges of a constable on a variety of places associated with the railway including (c) in a station, (e) on other land used for purposes of or in relation to a railway, or (f) on other land in which a person who provides railway services has a freehold or leasehold interest and throughout Great Britain for a purpose connected to a railway or to anything occurring on or in relation to a railway.

6. In those circumstances I move to the particular questions asked of me in my instructions.

7. (1) The proposed licensing solution, using either section 115 of the Highways Act 1980 or section 50 of the New Roads and Street Works Act 1991 (or both), is inappropriate.

(2) The registration of riparian ownership of the land, i.e. the land next to the highway appears to be sufficient but not necessary for British Transport Police to provide policing services in respect of the rank and shelter. The British Transport Police are able to do so because the land in question, although highway land, is used in relation to a railway. Further, the land, i.e., the prospective taxi rank is probably part of the station because station is defined by section 83 of the Railways Act 1993 as any land or other property which consists of premises used on or for the

purposes of or otherwise in connection with a railway passenger station including any approaches, forecourt, cycle lane or car park whether or not the land or other property is used for other purposes.

(3) For the reason stated at (2) the British Transport Police could police the shelter or taxi rank if Network Rail's interest was merely that of a licensee; in fact, the ability to police depends on what the taxi rank is, rather than who owns it or is the licensee of it.

(4) It appears on the information before me that the City Council can appoint the land in question, being highway land, to be a taxi stand or rank. The City Council can make arrangements using their general powers to enter into any necessary arrangements with Network Rail. The British Transport Police appears to have the necessary jurisdiction.

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IN THE MATTER OF:

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