

OVERVIEW AND SCRUTINY BOARD

A meeting of the Overview and Scrutiny Board was held on 15 February 2011.

PRESENT: Councillor Brunton (Chair), Councillors Junier (as substitute for Councillor Cole), Kerr, McIntyre (as substitute for Councillor Ismail), McPartland (as substitute for Councillor Khan), Mawston, Purvis, Sanderson and Williams.

OFFICERS: J Bennington, P Clark and E Chicken.

**** ALSO IN ATTENDANCE AS OBSERVERS:** Middlesbrough Borough Cars Limited representatives.

**** APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors Cole, Dryden, C Hobson, J Hobson, Ismail and J A Walker.

DECLARATIONS OF INTEREST

No declarations of interest were made at this point of the meeting.

** MINUTES

The minutes of the meeting of the Overview and Scrutiny Board held on 2 February 2011 were submitted and approved as a correct record.

TAXI FACILITIES – CROSSFELL ROAD

The Scrutiny Support Officer submitted a report the purpose of which was to remind Members of the agreed terms of reference as follows: -

‘To assess the present taxi provision at Morrisons and to determine the benefits a taxi rank would provide at Crossfell Road while also giving consideration to possible alternative sites adjacent to Crossfell Road.’

The report also listed in no particular order the agreed lines of enquiry as follows: -

- (a) Officers responsible for Licensing and Enforcement issues;
- (b) Council’s Transport and Design Services;
- (c) Middlesbrough Borough Cars Limited;
- (d) Hackney Carriage Association;
- (e) William Morrison Stores;
- (f) Executive Member for Community Protection;
- (g) Schools Integrated Transport Service;
- (h) Police;
- (i) Representatives of retail premises at Norfolk Place and nearby Public House;
- (j) Council Officers in terms of funding issues.

As requested by the Board at its meeting held on 2 February 2011 a briefing report had been circulated to Members which provided a brief overview of the legislative foundation and history of events in relation to the taxi rank issues at Crossfell Road. In response to Members’ comments on a lack of detailed information it was confirmed that there was an opportunity to gain further information and to ask questions and seek clarification from the Head of Community Protection.

As outlined in the briefing paper the Head of Community Protection gave an indication of the legislative background to the main differences between Hackney Carriages and Private Hire Vehicles. Hackney Carriages operated under 1847 legislation and subsequent byelaws and Private Hire operated under 1976 legislation and conditions of licence.

It was clarified that for the purpose of the current scrutiny review information had not been included regarding mini buses although Members acknowledged that there was scope for further scrutiny in this regard in the next Municipal Year.

In response to clarification sought from Members it was confirmed that in accordance with the prevailing legislation hackney carriage operated from ranks or 'stands' established where there was demand as demonstrated by the trade and shall 'when plying for hire in any street and not actually hired, proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf'. The enforcement of such a byelaw rested with the Council.

The Head of Community Protection outlined the arrangements since the opening of the William Morrison Stores (WMS) at Berwick Hills for part of the Hackney Carriage trade to use an informal rank at the south car park of the WMS site as outlined in the briefing note submitted.

In seeking clarification Members were advised that WMS had entered into a private business arrangement with Middlesbrough Borough Cars Limited who provided a 'freephone' so that customers could call one of their private hire vehicles. It was confirmed that WMS was privately owned land.

Requests for ranks generally came from the Hackney Carriage trade. The statutory requirements for the implementation of such ranks was contained in Section 63 of the Local Government (Miscellaneous Provisions) Act 1976. Once an area of highway had been designated as a Hackney Carriage rank then other vehicles were prohibited. In response to a query from Members regarding the Council's jurisdiction in relation to private land it was explained that the relevant legislation would apply in the case of an official rank which had the approval of the private landowner. Reference was also made to the powers of the Council's Licensing Committee in accordance with prevailing legislation which included the power to revoke a licence should it be determined that a driver was 'not to be a fit and proper person to hold a licence' either Hackney Carriage or a Private Hire Vehicle Drivers licence.

As outlined in the briefing paper submitted the Head of Community Protection referred to the outcome of a meeting which had been held on 6 August 2009 chaired by the Council's Chief Executive and involving representatives of WMS, Middlesbrough Borough Cars Limited and Hackney Carriage trade and summarised the situation since that time.

In considering the information provided so far Members agreed that in order to gain a full understanding of the background to the current position and to provide clarification it would be beneficial to the scrutiny review if representatives of WMS could attend a meeting of the Board to provide their perspective on the situation.

As requested at the meeting of the Board held on 2 February 2011 information was provided on the responses received following the consultation period on the provision of a taxi rank at the lay-by on the south side of Crossfell Road, close to the Neptune Centre. In commenting on the consultation process with particular regard to the list of local businesses, residents and others to whom a letter had been sent Members were advised that generally such consultation tended to be more extensive outside of the Town Centre area. It was also confirmed that there was a statutory requirement for Council's to consult with the Police.

In discussing the summary of the responses received to the consultation as outlined in the briefing paper Members agreed that clarification was required on a number of areas including the siting of bus stops at the entrance to WMS and location of a pedestrian crossing on Crossfell Road. It was envisaged that such information would be forthcoming as part of the agreed lines of enquiry for the scrutiny review.

In response to clarification sought by a Member it was confirmed that there was a rank acting as a 'feeder rank' on Ormesby Road approximately 100 metres away from WMS adjacent to the site of the former Kwik Save site.

Members suggested that it might be helpful if a map of the areas concerned could be provided for future meetings.

In considering the sequence of information to be obtained the Board also examined possible dates for future meetings suggested as follows: -

2 March 2011 at 3.00 p.m. in the Mandela Room
23 March 2011 at 4.30 p.m. in the Mandela Room
13 April 2011 at 2.00 p.m. in the Spencer Room.

ORDERED as follows: -

1. That the information provided be noted and incorporated into the overall review.
2. That the suggested dates as outlined for future meetings of the Board to consider the scrutiny review be approved.
3. That every endeavour be made for representatives of William Morrison Stores to attend the meeting of the Board to be held on 2 March 2011 or subsequent dates as outlined.
4. That in consultation with the Chair and depending upon availability of the persons concerned arrangements be made for representatives to attend future meetings in accordance with the agreed lines of enquiry.