

AGENDA ITEM: 6

## OVERVIEW AND SCRUTINY BOARD

26th JULY 2011

### TAXI FACILITIES IN CROSSFELL ROAD

Re MORRISONS

#### PURPOSE OF THE REPORT

- 1 The purpose of this report is to present to the Overview and Scrutiny Board the enquiries, conclusion of proposals from their Scrutiny into the proposed Taxi facilities at Crossfell Road and to obtain the Boards direction.

#### OVERALL AIM OF THE SCRUTINY INVESTIGATION

- 2 The overall aim of the Scrutiny Investigation was to identify the problems associated with taxi provision in the Crossfell Road area. Also, if the provision of a new taxi rank at Crossfell Road would noticeably resolve any problems which may have been identified during the course of this Scrutiny in relation to Morrisons.

#### TERMS OF REFERENCE OF THE SCRUTINY INVESTIGATION

- 3 The Board established its outline Terms of Reference for this Scrutiny into taxi facilities at Crossfell Road at its meeting of 2<sup>nd</sup> February 2011.

The following presents the Boards agreed Terms of Reference which were refined at the following meeting of 15<sup>th</sup> February :-

- 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.

## **LINES OF ENQUIRY**

4 At the meeting of 2<sup>nd</sup> February Members gave indication of the areas where they wanted to take evidence. These were subsequently clarified and Lines of Enquiry established at its meeting of 15<sup>th</sup> February, which are presented below in no particular order of preference: -

- (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.

## **BACKGROUND**

5 The Overview and Scrutiny Board were requested by the Executive to consider the issues associated with the provision of a taxi rank at Crossfell Road, which would primarily be a facility for customers of Morrisons. The Board was advised that there was already a private hire arrangement in place with Morrisons and the Board may want to take this into account when determining need and suitability for providing a taxi rank facility at this location.

6 The Executive report regarding the development of Hackney Carriage Ranks was presented for individual executive decision on the 21<sup>st</sup> December 2010. This report makes reference to the provision of a rank at the lay-by on the south side of Crossfell Road. The aspect of the report relating to Crossfell Road of the 21<sup>st</sup> December was deferred, and the meeting adjourned to the 11<sup>th</sup> January where the following was ordered.

## **ORDERED**

1. That the matter of taxi provision in the area serving Morrisons be referred to Overview and Scrutiny Board for discussion.
  2. That the Board require representatives from Hackney Carriage Drivers, Private Hire companies, senior representatives of WM Morrison and the Council to provide evidence to assist that process.
- 7 Consequently, the Board agreed to undertake a Scrutiny examination into the Taxi Facilities at Crossfell Road.

## **SCRUTINY FINDINGS**

- 8 The Board considered it prudent to invite representatives from the Private Hire Company and also representatives from the Hackney Carriage providers to its initial meeting in February. This was to hear their concerns regarding the taxi provision around Morrisons and their proposals, which would form a good basis for the Boards future enquiries. However, the private hire company, declined to attend the meeting to present and clarify issues and submitted a statement instead. Consequently the Board decided to undertake a site visit to Berwick Hills in February to gain an understanding of the existing arrangement, the local geography and to assess the practical benefits for establishing a taxi rank. The following outlines the information presented to the Board for Members consideration.

### **Site visit**

- 9 As referenced previously, the Board made arrangements to visit the Morrisons site and observe the facilities offered to people by both the private hire and the hackney carriage operators. The Board also wanted to look at the surrounding area and what options there may be for alternative taxi rank locations.
- 10 The Board observed both Private Hire and Hackney Carriage in operation and considered that the provision at Morrisons appeared to be working well. The Board looked at the suggested taxi rank at the lay-by on Crossfell Road, which provoked some concerns to Members regarding its proximity to a pedestrian crossing, a road junction and general highway traffic. This was in addition to the recognition that busses transporting children presently used this lay-by and consequently would need to be relocated.

### **Environment**

- 11 The Environment service provided a brief overview of the legislation and the main differences between Hackney Carriage and Private Hire.

The Board was informed that the legislation for Hackney Carriage is over a hundred years older than that applied to Private Hire and that the main difference is that Hackney Carriages can be hailed and can operate from ranks while private hire must be pre booked. The Environment service then conveyed to the Board a brief outline of the history relating to Morrisons and Berwick Hills.

- 12 The report from Environment outlined that there were initial indications that the arrangement Morrisons had undertaken could lead to tensions with the Hackney Carriage providers. Subsequently, an application from Middlesbrough Borough Cars Ltd was made for a taxi rank in Crossfell Road. In response the Council undertook consultation with local businesses, residents and others likely to be affected. The responses to the consultation had been presented to the Executive and indicated a large number had concerns about a taxi rank being established in that location.

### **Middlesbrough Borough Cars Statement**

- 13 As referenced previously. To gain a clear understanding of the history and reason behind the proposal Middlesbrough Borough Cars were invited to present to the Board at the initial meeting. Although management were in attendance at the meeting, this opportunity to present their views directly was declined and at their request their statement was read out at the initial meeting. Their Statement basically conveyed that they represented a large number of drivers and considered that some intimidation was evident from Hackney Carriage drivers on the Morrisons site. In addition they consider that the proposed rank at Crossfell Road would service a wider area than currently afforded by the Morrisons location which would improve taxi provision in Berwick Hills. They clearly state they do not want any Hackney Carriage rank on the Morrisons site and consider that the Council was instrumental in the problems the present informal rank causes.

### **Police**

- 14 The Board was aware that there are yellow lines on Crossfell Road and raised this with the Police, as busses transporting school children used this road as a drop off point. In response the Police conveyed there is a degree of discretion regarding the enforcement of the double yellow lines when off-loading and alighting of school children for attending the Neptune Centre.
- 15 The Police reiterated the previous concerns raised by the Neighbourhood Policing Team in relation to the lay-by at Crossfell Road being used as a taxi rank. It was considered that it was located very close to a pedestrian crossing and a taxi rank would hinder the view of those using such a crossing.

- 16 The Board was also advised of the likelihood of the lay-by being full to over capacity and causing an obstruction in what was considered to be a busy through road to the retail premises at Norfolk Place. The Police were also concerned at the potential hazard created by vehicles doing U-turns in this particular area.
- 17 Members raised the issue of the use of the current lay-by. In response the Police considered there are advantages of the current use for buses for school children attending the Neptune Centre as it was within close proximity to the centre and in a pedestrian area.

### **Transport and design**

- 18 The Board was informed that concerns had been received from the Schools Integrated Transport Service, as the proposed location for this rank is currently used by buses which deliver and collect children to the Neptune Centre for swimming lessons. Although alternative locations had been sought they had not identified another safe location from where the school buses could operate. This view is supported by the Transportation and Design Service.
- 19 The Transport and Design Service informed the Board that they were aware that the Hackney Carriage Association and Middlesbrough Owner Driver's Association had objected to the proposed rank on the grounds that there is already a rank on Ormesby Road and within Morrisons. This was in addition to the objections received from residents and the Police.
- 20 The Board enquired as to the layout of the car park at Morrisons and ability to accommodate busses. Although a public bus service operated at the entrance it was considered that the layout of the car park did not lend itself for use by other buses given the aisle widths around the car park spaces. It was also considered that it wouldn't be suitable for use by mini buses or coaches for children attending the Neptune Centre for swimming lessons etc as groups of school children would need to be escorted across the car park to and from the Neptune Centre. As the buses presently drop off at the lay by at Crossfell Road adjacent to the Neptune Centre where the overhang of such a building provided some shelter for the children going to and from the Neptune Centre as opposed to the limitations of a normal bus stop shelter.
- 21 The Board enquired as to an alternative location at Penrith Road. The Transport and Design Service indicated that it was not as convenient and didn't provide a direct link into the Neptune Centre. Reference was also made to the need to change the layout of Morrisons car park to accommodate buses to be near to the Neptune Centre should this situation develop.
- 22 The Transport and Design Services referred to the Middlesbrough Officers' Traffic Group, which included representatives from Cleveland Police, Fire Authority, Bus Operators, Town Centre Manager,

Middlesbrough Hackney Carriage Association and Council Officers. Specific reference was made to the minutes of a meeting held on 5 November 2010 when consideration had been given to proposed taxi ranks at various locations. In relation to Crossfell Road it had been recorded that several objections had been received, including an objection from Cleveland Police. It was noted that concerns had been expressed because the lay-by was currently used by school buses for children accessing the Neptune Centre. It had also been stated that Middlesbrough Hackney Carriage Association had indicated that the taxi rank at Crossfell Road was not required.

### **Retailer – William Morrisons Supermarkets**

- 23 The Board was clearly of the view that there was a private arrangement between a private retailer and a private hire company for the provision of private hire vehicles and hackney carriages to service that outlet. It also appeared that the background for a proposed taxi facility at Crossfell Road was due to the arrangements at this retailers location. Consequently, the Board wanted to get a clear understanding of the operation at Morrisons and also the position from Morrisons perspective which subsequently brought about the invitation to Morrisons Head Office for their representative to attend the Scrutiny Board meeting.
- 24 The Board was grateful for William Morrison Supermarkets PLC attendance at the meeting during which they stated that the current provision for Private Hire and Hackney Carriage at the Berwick Hills store was considered to be good and satisfy customer requirements. Morrisons acknowledged that it was not their normal practice to have both private hire and hackney carriage facilities at a store, yet it was considered that in the case of the Berwick Hills store such a set up provided the best arrangements for customers. It was conveyed to Members that the Store and Area Managers had been involved in the discussions in agreeing current arrangements on the understanding that it was what customers wanted which was the stores prime concern.
- 25 It was conveyed to the Board that as offered in other stores across the UK a free phone facility for customers was available in the store at Berwick Hills. In doing this Morrisons had entered into a private business arrangement with Middlesbrough Borough Cars Limited who provided a 'free phone' so that customers could call one of their private hire vehicles.
- 26 It was confirmed by Morrisons that the taxi rank within Morrisons Car Park was indeed on private land and operated on the basis of an informal and private arrangement between Morrisons and the private hire and taxi providers.
- 27 Morrisons did reference that the hackney carriage providers operating at the store does involved many individuals. They do consider that it

would be beneficial if there was an organisation to oversee such arrangements from a health and safety perspective and to ensure traffic flow. Morrisons confirmed that they were not in a position to undertake such responsibilities and expressed a wish for the land to be leased by the Council in order to run a taxi rank and for it to be appropriately regulated. Morrisons informed the Board that there have been problems of traffic congestion at the store when there had been in the order of 20 to 30 hackney carriage vehicles on site at the same time. However, Morrisons have taken steps to regulate the number of vehicles on site. With reference to comments made regarding traffic congestion arising from the number of hackney carriage vehicles. Officers were asked about the congestion problem and confirmed that there had been no specific complaints submitted to the Council to date regarding such issues.

- 28 Members were unclear of the advantage for the Council to lease an area of car park to provide a taxi rank where a taxi rank already operates under a private arrangement with the store. In response, officers outlined the legal obligations, which would rest with the Council if they entered into a lease arrangement with Morrisons for a taxi rank. As previously reported a hackney carriage taxi rank could be designated on private land with the private landowner's approval and be subject to the prevailing legislation specifically prohibiting other vehicles parking in the area. However, Members of the Board were clear that from the retailer's perspective the present arrangement was now working well.

**Hackney Carriage Association and Middlesbrough Owner Driver Association.**

- 29 Representatives of the Hackney Carriage Association and Middlesbrough Owner Driver Association attended the Board meeting to express their views on current taxi provision at Morrisons, Berwick Hills and the application for a taxi rank at Crossfell Road. The representatives confirmed that the taxi provision at Morrisons, Berwick Hills currently worked well and it was considered that regular customers of Morrisons were accustomed to such arrangements.
- 30 In relation to the request for a taxi rank at Crossfell Road the representatives stated that safety was the main priority. In their opinion such a location was considered to be too close to the crossing and the traffic lights. Also the proposed lay-by was currently used by emergency vehicles and school buses taking children to and from the Neptune Baths, in the view of the association the lay-by is of limited space and could realistically only accommodate two cars at any one time. The representatives of the association also pointed out that there was already a taxi rank nearby, being adjacent to the former Kwik Save site on Ormesby Road.
- 31 The Association outlined the history of the arrangement with Morrisons and how hackney carriages had operated on the site following

negotiations and approval of the store's Manager. It was expressed that there was usually up to seven hackney carriage vehicles at any one time on the Morrison's site and that the drivers were self regulated in accordance with hackney carriage rules and conditions.

- 32 The Association emphasised their support for the current arrangements at Morrisons, Berwick Hills and reaffirmed their concerns on safety grounds as to any use of the lay-by identified at Crossfell Road as a taxi rank. In response to a suggestion made at an earlier meeting for school buses to use Morrisons car park as an alternative to Crossfell Road as a delivery and collection point for school children using the Neptune centre. They indicated that given the restricted space and the current usage of the car park difficulties were likely to arise should 45 seater coaches use such an area. It was also emphasised that if it is suggested that Hackney Carriages had caused congestion on the Morrisons Site then busses would only exacerbate that problem.

### **Private Hire**

- 33 The Board considered it prudent to invite the Private Hire company to set the scene and present the issues from their perspective to the first meeting. This would ensure Members had a clear understanding of the reasons behind the application for a 'Taxi Rank at Crossfell Road' and any issues of concern regarding the provision at Morrisons. Although the management of Middlesbrough Borough Cars were in attendance at that meeting they declined the invitation to present and instead asked for their statement to be read out at the meeting, which it was.
- 34 The Board was aware that this Scrutiny commenced in February 2011 and wanted it concluded by April 2011 to ensure there was a consistency of Members receiving the evidence as the Local elections in early May would change the composition of the Board. Consequently, although the previous meetings had management from Middlesbrough Borough Cars in attendance the Board wanted to provide a further opportunity, specifically for their representatives to present their position to the Board and a further opportunity was provided in April 2011 and again this was declined.

### **CONCLUSION**

- 35 The Board undertook this Scrutiny to accommodate a request from the Executive. From the outset the Board was presented with a situation of a private retailer having an arrangement with a Private Hire Company on private land. Although a topic which would not normally be on the Scrutiny agenda it was linked with an application for a Taxi Rank on the highway at Crossfell Road and the Scrutiny Board agreed to undertake the task.
- 36 The Board has endeavoured to obtain a range of evidence to ensure it can make an informed and balanced judgement on the proposal for a



Taxi Rank at Crossfell Road and how this will benefit the shoppers of Morrisons and the residents of Berwick Hills.

37 In Conclusion the Board obtained a quantity of clear evidence from a range of organisations regarding the proposal for a 'Taxi Rank' at Crossfell Road. These are highlighted as follows

- **Police** have concerns on safety issues regarding the proposal.
- **Environment Service** undertook a consultation exercise and received a number of concerns regarding the proposal.
- **Transport and Design** have a number of concerns on road safety regarding the proposal. Also have safety concerns should the busses dropping children off at the Neptune centre be displaced into Morrisons or a more remote location.
- **Schools Integrated Transport Service** have concerns on safety should the school buses not be able to drop off and collect children at the lay by on Crossfell Road.
- **Middlesbrough Hackney Carriage Association** had indicated to the Middlesbrough Officers' Traffic Group that the Taxi Rank on Crossfell Road was not required.
- The **Middlesbrough Officers' Traffic Group** had received a number of objections regarding a proposed Taxi Rank at Crossfell Road.

In addition to the above the Board also received evidence regarding the commercial operation.

- **Morrisons Supermarket.** Conveyed that they were happy with the existing arrangement of Taxi and Private Hire on their premises.
- **Hackney Carriage Association.** Conveyed they were happy with the taxi rank at Morrisons
- **Middlesbrough Owner Driver Association.** Conveyed they were happy with the taxi rank at Morrisons

38 The Board has not received any evidence that :-

- a taxi rank at the lay-by on Crossfell Road would make the situation better for shoppers of Morrisons or residents of Berwick Hills
- there is any advantage for the Council to lease some land on Morrisons for a taxi rank as the present arrangement is regulated by the association.

- 39 From the above the Board cannot find any evidence to add support to the provision of a Taxi Rank on Crossfell Road. The Board can however, find a range of reasons not to support the proposal as the problems from such an approval could create substantially outweigh any perceived advantage.

## **RECOMMENDATIONS**

- 40 The Boards direction is sought on how to pursue or conclude this Scrutiny. There is clearly substantial evidence from a range of respected organisations in opposition to any provision of a Taxi Rank on Crossfell Road. These are not simply emotive or preferred choices but ones of practicality and safety. In addition the Board has not received any evidence which supports the provision of a Taxi Rank or indeed any reason to support the Executive in moving the proposal forward.
- 41 Consequently, there are two options open to the Board. These are presented as follows.
- (a) To report to the Executive that the Board can not find any evidence to support the application for a taxi rank at Crossfell Road and to the contrary can clearly identify disadvantages.

or

  - (b) Continue to hold further meetings, albeit with a new Scrutiny Board.

## **ACKNOWLEDGEMENTS**

- 42 The Board is grateful to all those who have presented evidence during the course of our enquiry. We would like to place on record our appreciation for the co-operation we have received from the following: -

Ed Chicken	Middlesbrough Council – Community protection
M Robinson	Middlesbrough Council – Environment
B Glover	Middlesbrough Council – Transport and Design
M Walsh	Cleveland Police – Inspector
R Hustwick	Retailer - William M Morrison
T Byng	Hackney Carriage Association - Chair
J Durkin	Hackney Carriage Association - Secretary
T Fisher	Middlesbrough Owner Driver Association

## **BACKGROUND PAPERS**

43 The following background papers were consulted or referenced to, during this Scrutiny and in the compilation of this report:

- (a) Individual Executive Member for Community Protection report of 21<sup>st</sup> December 2011.
- (b) Minutes of Executive meeting of 11<sup>th</sup> January 2011.
- (c) Panel minutes of 2<sup>nd</sup>, February, 15<sup>th</sup> February, 2<sup>nd</sup> march, 23<sup>rd</sup> march, 13<sup>th</sup> April 2011.
- (d) Paper submitted on behalf of Borough Cars 2<sup>nd</sup> February 2011.

## **COUNCILLOR JAN BRUNTON**

### **CHAIR of OVERVIEW & SCRUTINY BOARD**

**July 2011**

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