

AGENDA ITEM: 3

SPECIAL OVERVIEW AND SCRUTINY BOARD

27th March 2012

CALL-IN:

Review of Wilson Street Taxi Marshal Scheme

PURPOSE OF THE REPORT

1. To allow Members of the Overview and Scrutiny Board (OSB) the opportunity to review a decision made at an Individual Executive Member meeting by the Executive Member for Community Protection on 8th March 2012, in accordance with the Authority's Call-In Procedure.

EXECUTIVE DECISION — 8th March 2012

2. At this meeting, the report, detailed at **appendix 1**, sets out the following:
 - a) That approval be given for extending the use of Taxi Marshals in Wilson Street until January 2013. This would allow Officers, the Taxi Trade and other stakeholders, to review the current provision for hackney carriages and private hire vehicles in Wilson Street via the Quality Taxi Partnership (QTP) in an attempt to find a permanent solution to the issues surrounding Wilson Street.
 - b) The stretch of Wilson Street between Albert Road and Linthorpe Mews can be extremely congested at peak times which primarily arises from the large number of hackney carriages and private hire vehicles. There are

also several late night take away premises and 3 hackney carriage ranks, which operate in this stretch of Wilson Street from 7pm to 4am daily. These ranks have been in existence since 2008. Minibuses also contribute to congestion problems, which are outside the Council's legislative control. As a consequence of the hackney carriage ranks and other parking restrictions on Wilson Street there is no parking/waiting facilities on Wilson Street for other vehicles. However, the current restrictions do allow for other vehicles to stop to drop off and pick up passengers.

- c) In December 2010, a private hire operator, Boro Cars was granted a licence to operate a booking office in this location with the aim to reduce congestion and any interference with the operation of the hackney carriage ranks. In an attempt to assist Boro Cars, railings have been removed on Wilson Street to ease the pick up area by Boro Cars and other private hire vehicles.
- d) In recent years concerns have been raised by both the Police and the taxi trade in relation to congestion and late night disorder in this location due to the large volume of people at peak times.
- e) In August 2010, following extensive surveys and consultation with key stakeholders; TPI produced their final report with their findings. They identified that the Wilson Street area was a significant problem for all stakeholders and reported that they had been unable to establish a consensus view to address the issues in this area. As a result of this, they proposed three options to be piloted and evaluated in order to conclude the best way forward.
- f) The three options proposed in the TPI report in relation to Wilson Street are summarised as follows:
 - Option 1: Full closure of Wilson Street after the last late night bus and up to 04.00 am;
 - Option 2: Wilson Street is retained operating as a two-way road
One rank along Wilson Street (to be decided by the QTP) to be retained;
 - Option 3: Wilson Street operating under a one-way system (east – west), after the last late night bus and up to 04.00 am;
One rank along Wilson Street (to be decided by the QTP) to be retained.
- g) These options were considered by the representatives at the QTP meeting in February 2011. There was general agreement between parties attending the QTP that option 1, the full closure of Wilson Street, should not be progressed. However, there was no agreement in relation to the remaining two options. The only proposal where there was some degree of agreement was in relation to the use of taxi marshals.
- h) In February 2011, the QTP was suspended and on 12 April 2011, the Mayor considered these issues and decided to approve the use of Taxi

Marshals in Wilson Street and that this action should be reviewed after a 3 months.

- i) In July 2011, Taxi Marshals were appointed to work in Wilson Street. Initially for a 3 month period to organise taxi queues, promote good conduct by the public, ensure the smooth flow of traffic and recording/reporting any unauthorised vehicles using the rank or causing interference with the operation of the rank.
- j) Initial feedback of the Taxi Marshal trial was positive with hackney carriage drivers and members of the public generally queuing in an orderly manner. However, since that time Officers, the Police and Taxi Marshals have reported conflict between the hackney carriage and private hire trade.
- k) Throughout the trial period Boro Cars, their drivers and the Private Hire Association have maintained that there is inadequate provision made by the Council on Wilson Street for members of the public wishing to access private hire vehicles. During the same period the Hackney Carriage trade have complained about interference with the operation of the rank by Boro Cars Private Hire vehicles.
- l) As a result of these ongoing problems the Taxi Marshal trial has been extended, following consultation with the Executive Member of Community Protection, to allow for further assessment to be carried out.

Consultation

- m) Between December 2011 and January 2012 a consultation exercise was undertaken with the taxi trade in relation to the Taxi Marshal trial. In summary, responses from the Hackney Carriage Association, Hackney Carriage proprietors and drivers and Euro Cars have been supportive of the Taxi Marshal Scheme. However, they also reference deliberate interference by Boro Cars drivers with the operation of the trial and that a Private Hire booking office in Wilson Street as a contributory factor to the problem which exists.
- n) In summary, the responses from the Private Hire Association and Boro Cars are not supportive of a continuation of the Taxi Marshal Scheme. However, the Police response states that 'Throughout the trial period there was an improvement in the organisation of how hackney carriage drivers picked up fares' and that 'The rank with the Marshals was used effectively by hackneys as a central point to collect customers.
- o) The primary concern for the Licensing regime is that of public safety. Any changes to the management of hackney carriage and private hire vehicles in Wilson Street should be centred primarily around an outcome which will improve and maintain the safety of the travelling public. In addition, consideration must be given to improving traffic flow and reducing congestion in the area.

Options

Option 1

- p) To withdraw Taxi Marshals from Wilson Street which would remove the organisation of hackney carriages vehicles and customers

Option 2

- q) To extend the use of Taxi Marshals in Wilson Street until January 2013. This would allow Officers, the Taxi Trade and other stakeholders, to review the current provision for hackney carriages and private hire vehicles in Wilson Street via the QTP in an attempt to find a permanent solution to the issues surrounding Wilson Street.

- 4 In doing so, the Executive Member for Community Protection, ordered the following:

ORDERED

1. That a temporary extension to the use of Taxi Marshals in Wilson Street until January 2013 be approved. This would allow Officers, the Taxi Trade and other stakeholders, to review the current provision for hackney carriages and private hire vehicles in Wilson Street via the Quality Taxi Partnership (QTP) in an attempt to find a permanent solution to the issues surrounding Wilson Street.

REASON

- 5 The decisions were supported by the following reason:

Concerns have been raised by the Police and taxi trade in relation to congestion in Wilson Street and late night disorder due to large volumes of people visiting the location at peak times. In December 2009, Transportation Planning International (TPI) were commissioned to review town centre night time traffic arrangements and from this developed a Quality Taxi Partnership (QTP) Wilson street was identified as being a priority. Since the report was issued, the QTP has been re-established and held their first meeting on 24 February 2012. A second meeting scheduled for 28 March 2012, would concentrate on Wilson Street.

The history in relation to the Taxi Marshall trial scheme at Wilson street appreciates that there have been ongoing problems and as a result, the trial has been extended, following consultation with the Executive Member with Community Protection. This was to allow for further assessment to be carried out.

Between December 2011 and January 2012 a consultation exercise was undertaken with the taxi trade in relation to the Taxi Marshal trial. The main concern for the Licensing regime was that of public safety. Any changes to the management of hackney carriage and private hire vehicles in Wilson Street should be centred primarily around an outcome, which will improve and maintain the safety of the travelling public. Following this, consideration must be given to improving traffic flow and reducing congestion in the area.

CALL-IN PROCEDURE

6. The Call-In Procedure allows Members the opportunity to Call-In a decision for scrutiny by the OSB which was made by:
 - i) The Executive;
 - ii) An individual Member of the Executive;
 - iii) A Committee of the Executive;
 - iv) A key decision made by an officer with delegated authority from the Executive; or
 - v) Under Joint Arrangements.
7. The Call-In Procedure may only be implemented if so requested by any five Members of the Council and upon receipt of any such request by the Proper Officer before the end of the fifth working day after the making of that decision.
8. Following an Executive meeting, which addressed the report of the Review of Wilson Street Taxi Marshal Scheme, which was approved by the Executive Member for Community Safety on 8th March 2012. Five Members supported the request to Call-In such decision, in accordance with the Call-In procedure.
9. Throughout this special meeting of the OSB, Members will have the opportunity to review the decision. Having considered the decision the OSB may, if they feel it appropriate, refer the decision back to the decision-making body for re-consideration, setting out in writing the nature of their concerns.
10. If the decision is referred, then a further Executive Meeting will be held within ten further working days. The Executive can then make a final decision in the light of any recommendations made by OSB.
11. If the recommendations of the OSB are not accepted in full, then the Executive should notify the OSB and give reasons for not accepting the recommendations.

REASONS GIVEN FOR THE CALL-IN

12. The reason given to the Authority's Proper Officer which initiated the Call-In Procedure for the Executive Member for Community Safety's decision on the Director of Adult Social Care and Environment's report, re the Review of

Wilson Street Taxi Marshal Scheme is presented below for Members awareness.

It is considered this is the wrong decision to make when taking into account the evidence available to the Council. This decision is simply extending a decision made by the Mayor in April 2011, which was for a trial period ending in October 2011. The decision has been extended on three occasions resulting in the trial period being nineteen months. These decisions go against the advice of the TPI and the Executive Member has not ascertained all the essential facts before reaching this decision.

The decision is unfair towards private hire trade and fails to consider public safety and fails to consider the other options available.

Environment – Review of Wilson Street Taxi Marshal Scheme

13. To assist Members of the OSB to review the decision made by the Executive Member for Community Protection in relation to the Review of Wilson Street Taxi Marshal Scheme. The following key witnesses will be in attendance during this Special Meeting:

- i) Principle Licensing Officer, to present the background to the report presented to the Executive Member for Community Protection at an Individual Executive Meeting held on 8th March 2012.
- ii) The Executive Member for Community Protection (to present how the decision was reached); and
- iii) The Member who initiated the Call-In request (to present their views and concerns with regard to the decision made by the Executive Member for Community Protection).

PROPOSED CALL- IN TIMETABLE

14. To ensure the Call-In procedure is adhered to, the following Call-In timetable is as outlined below:

MEETING	DATE/TIME	PURPOSE
Special Meeting - Overview and Scrutiny Board	27 th March 12 4.00 PM	To review the decisions taken by the Executive Member on 8 th March 2012, in accordance with the Call-In Procedure.
Individual Executive Meeting	To be Determined	To re-consider the decision (if required to do so)

Overview and Scrutiny Board	To be Determined	To notify the OSB of the outcome of the Call In
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RECOMMENDATION

15. It is recommended that the Overview and Scrutiny Board consider the content of this report, to enable the Call-In procedure to be adhered to.

BACKGROUND PAPERS

16. The following background papers were used in the preparation of this report:
- i) Middlesbrough Council's Constitution / Call-In Procedure; and
 - ii) Middlesbrough Council's Scrutiny Handbook.
 - iii) Report to the Executive Member for Community Protection on 8th March 2012

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