

MIDDLESBROUGH COUNCIL

EXECUTIVE REPORT

EXECUTIVE MEMBER DECISION

Review of Wilson Street Taxi Marshal Scheme

Executive Member for Community Protection: Councillor Julia Rostron

Director of Adult Social Care and Environment: Mike Robinson

8 March 2012

PURPOSE OF THE REPORT

1. To consider extending the Taxi Marshal Scheme in Wilson Street, Middlesbrough.

SUMMARY OF RECOMMENDATIONS

2. That Executive Member approves an extension to 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.

IF THIS IS A KEY DECISION WHICH KEY DECISION TEST APPLIES?

3. It is over the financial threshold (£150,000)
It has a significant impact on 2 or more wards
Non Key

DECISION IMPLEMENTATION DEADLINE

4. For the purposes of the scrutiny call in procedure this report is

Non-urgent
Urgent report

BACKGROUND AND EXTERNAL CONSULTATION

5. The stretch of Wilson Street between Albert Road and Linthorpe Mews can be extremely congested at peak times, generally between 1am and 4am on weekends. This congestion primarily arises from the large number of hackney carriages and private hire vehicles in this location. In addition, there are several late night take away premises on Wilson Street which attract the public at the end of their night out, 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 in the area. These vehicles are outside the Council's legislative control as they are issued

licences to act as passenger carrying vehicles by the Vehicle Operator Services Agency.

6. As a consequence of the hackney carriage ranks and other parking restrictions on Wilson Street there is currently 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.
7. In December 2010, a private hire operator, Boro Cars were granted a licence to operate a booking office in this location. The licence was granted by the Licensing Committee with conditions attached aimed at reducing congestion and any possible interference with the operation of the hackney carriage ranks. These conditions have been the subject of an appeal by Boro Cars which was resolved at Crown Court in December 2011 when a compromise was reached between Boro Cars and the Council in relation to amendments to the wording of those conditions.
8. One of the conditions now states:-

‘The Operator shall direct its Private Hire Drivers:
 - a) not in any way to impede or interfere with the operation of the designated Hackney Carriage ranks on Wilson Street;
 - b) to observe all Hackney Carriage ranks and other parking restrictions on Wilson Street and
 - c) only to collect or drop off customers from the area on Wilson Street to the west of Linthorpe Mews or to the east of Albert Road;and use all reasonable endeavours to ensure their compliance with that direction.’
9. In an attempt to assist Boro Cars, railings have been removed on Wilson Street, immediately to the west of Linthorpe Mews, as a pick up area for use by Boro Cars and other private hire vehicles. This pick up area accommodates 2/3 vehicles and is highlighted on the attached plan at Appendix 1.
10. 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 visiting this location at peak times. In December 2009, Transportation Planning International (TPI) were commissioned by the Council to undertake a review of town centre night time traffic management arrangements and the issues in relation to Wilson Street were considered in conjunction with other town centre late night hot spot locations.
11. 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.
12. The TPI report was presented to the Executive on 9 November 2010. It was decided by the Executive that all taxi issues, including the report’s recommendations, should be developed and progressed through a Quality Taxi Partnership (QTP) which would be established with representatives from the taxi trade and other interested parties.

Recommendations arising from this would be reported to the Executive Member for approval.

13. At the first meeting of the QTP it was agreed by all the attendees that the issues surrounding Wilson Street should be addressed as a priority.
14. 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.
15. 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.
16. 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. The use of taxi marshals, and also additional enforcement, were considered by TPI to be integral to the success of all three options they proposed.
17. In February 2011, the QTP was suspended and since that date no further meetings have been held. However, recently there has been agreement from all parties that the QTP should be reformed to enable consultation and discussions to take place in relation to hackney carriage and private hire issues.
18. On 12 April 2011, the Mayor at an Individual Executive decision making meeting considered these issues and decided to approve the use of Taxi Marshals in Wilson Street and that this should be reviewed after a 3 month period.
19. In July 2011, Taxi Marshals were appointed to work in Wilson Street, initially for a 3 month period. The Marshals used for the trial are supplied by Phoenix Security, a Security Company with previous experience of providing Taxi Marshals in other Local Authority areas.
20. The Taxi Marshals' duties include organising taxi queues in an orderly manner and promoting good conduct by the public, ensuring the smooth flow of traffic in Wilson Street, including the hackney carriage ranks and recording and reporting any unauthorised vehicles using the rank or causing interference with the operation of the rank.
21. Following discussions with Phoenix Security it was decided that as the 3 hackney carriage ranks on Wilson Street were in close proximity it would be more beneficial to operate all 3 ranks as one continuous rank with one marshal organising the queue of passengers at the head of rank 1 with ranks 2 and 3 being used as feeder ranks (see attached plan – Appendix 1).
22. The initial feedback following the first few weeks 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, with overcrowding of the pick up area close to rank 1 frequently being caused by private hire drivers, particularly by those drivers associated with Boro Cars. This has led to interference with the operation of the ranks and at times this has led to severe congestion on Wilson Street.

23. 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, particularly those customers using Boro Cars private hire booking office which is situated adjacent to rank 2. During the same period the Hackney Carriage trade have complained about interference with the operation of the rank by Boro Cars Private Hire vehicles.
24. 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

25. Between December 2011 and January 2012 a consultation exercise was undertaken with the taxi trade in relation to the Taxi Marshal trial and 63 responses were received from:-
 - 2 Private Hire Operators – Boro Cars and Euro Cars
 - 58 Hackney Carriage proprietors and drivers (including a petition signed by 46 proprietors and drivers)
 - Middlesbrough Hackney Carriage Association
 - Middlesbrough Private hire Association
 - Cleveland Police
26. In summary, the responses from the Hackney Carriage Association, Hackney Carriage proprietors and drivers and Euro Cars have been supportive of the Taxi Marshal Scheme and wish for it to be made permanent and extended to other areas of Town. They highlight the benefits the Taxi Marshals bring in organising the hackney carriage ranks, maintaining order, reducing traffic congestion and improving safety for passengers and drivers. However, they also point to deliberate interference by Boro Cars drivers with the operation of the trial to date, including deliberate obstruction of the ranks by their private hire vehicles and PSV vehicles and point to the Council's decision to grant a licence to Boro Cars to open a Private Hire booking office in Wilson Street as a contributory factor to the problem which exists.
27. In summary, the responses from the Private Hire Association and Boro Cars are not supportive of a continuation of the Taxi Marshal Scheme and highlight the lack of provision made for Private Hire vehicles in Wilson Street. They state that they believe that one or more of the hackney carriage ranks should be removed, as was one recommendation in the TPI report, so that they can provide a safer, more efficient service to their customers and that the Taxi Marshals compromise driver safety and only benefit the hackney carriage trade. They state that the use of Taxi Marshals in Wilson Street has been a costly failure and that they should be removed from Wilson Street and relocated to the Super Ranks recommended in the TPI report and that they believe that the costs of the Marshals should be recharged to hackney carriage fees and not private hire fees.

28. In summary, 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..'. They compare this with a previous attempt some years ago to create a central rank on Albert Road, without using Marshals, which was unsuccessful as it was not used by hackney carriage drivers. In addition, they state that 'Although the use of the rank by hackney drivers can be seen as a success it is difficult to assess the full impact of the trial on the wider aims of reduced congestion and the speedier departure of customers as on occasions there were deliberate attempts made to create congestion in that location by the operators of Boro Taxis. These attempts consisted of using private hire vehicles to block the entry and egress of hackneys from the rank. This was done by drivers for Boro Taxis queuing in the road for their own fares around the rank preventing hackneys entering or leaving the rank. This had the effect of blocking the whole of Wilson Street on a number of occasions leading to a requirement for Police intervention to restore the flow of traffic.' They further state that 'On the occasions when there was no intervention then the traffic flow in general was improved and feedback from the public was positive towards the scheme'. They also state that 'In summary although Cleveland Police are supportive of the scheme and it has the potential to be a success, the outside interference with the scheme during the trial was so great that it is very difficult to assess the trial with any degree of accuracy'.
29. Following the introduction of the Taxi Marshal trial, 78 complaints were received via the Council's Corporate Complaints procedure, with the majority of these complaints being made up to end August 2011 by the following:-
- Middlesbrough Private Hire Association
 - 77 Private Hire and PSV drivers, the majority of which are associated with Boro Cars

In summary, the complainants voice their dissatisfaction with the Taxi Marshal Scheme, stating that they should be withdrawn and that better provision needs to be made for Private Hire vehicles. They state that no consideration has been made for the needs of private hire customers, including disabled passengers and claim that the decision to appoint Taxi Marshals was politically motivated and shows a bias towards the hackney carriage trade. They state that the scheme itself has caused congestion, has raised tensions between the hackney carriage and private hire trade and they highlight a negative attitude towards the private hire trade by the Marshals, Council Officers and the Police.

Copies of all of the complaints etc are available in the Members' library.

30. The complaint from the representative of the Middlesbrough Private Hire Association was forwarded to the Councillors John McPartland and Pervaz Khan, the Middlehaven Ward Councillors. In response, Councillor McPartland has made the following comments:
- As Ward Councillor he has a degree of understanding of the factors involved in the Taxi Marshal Scheme, which has been shown to be controversial, and has sympathy for the arguments advanced by the Private Hire Association. He is of the view that 1 of the ranks on Wilson Street should be removed to allow Private Hire vehicles to collect their fares.

- He is aware of the current unrest at the Taxi Marshal Scheme and has raised these issues formally with the Chief Executive of the Council.
- He believes that it is imperative that there are good, harmonious relationships between the Council and the taxi trade and that the use of taxi marshals in Wilson Street should be looked at seriously because of the controversy and ill feeling that they cause.

31. In addition, in the early stages of the trial, 5 complaints were received from members of the public, however, when further details were requested from the complainants in order to investigate the complaints fully, the complainants would not respond

IMPACT ASSESSMENT (IA)

32. An initial Impact Assessment has been carried out which found that there would be no differential impact as a result of any decision made in relation to the use of Taxi Marshals in Wilson Street.

OPTION APPRAISAL/RISK ASSESSMENT

33. 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.

FINANCIAL, LEGAL AND WARD IMPLICATIONS

34. **Financial** - There are no financial implications to the Council for utilising taxi marshals. The costs involved must be met by licence fees paid by the taxi trade and the taxi licensing account is ring-fenced. The cost of providing 3 Taxi Marshals in Wilson Street on Fridays and Saturdays and certain Bank Holidays is approximately £25,000 per annum.

35. **Ward Implications** – Wilson Street is located in the Middlehaven ward.

36. **Legal Implications** – Under the Local Government (Miscellaneous Provisions) Act 1976 the local authority may appoint ranks for hackney carriages on the public highway, or any private land with the consent of the land owner. In addition, Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 states that fees can be charged for the licensing of hackney carriage and private hire vehicles and private hire operators and these fees can be used to cover the cost of:

- inspecting hackney carriage and private hire vehicles,
- providing hackney carriage ranks; and
- any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.

OPTIONS

37. Option 1

To withdraw Taxi Marshals from Wilson Street.

The withdrawal of the Taxi Marshals would remove the organisation of hackney carriages vehicles and customers which has been brought to the hackney carriage ranks in Wilson Street throughout the trial period. Removing the Marshals may lead to an increase in the use of the hackney carriage ranks by unauthorised vehicles which in turn would lead to increased traffic congestion at peak times.

38. Option 2 (preferred option)

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.

39. Whilst it can be evidenced from the responses of the hackney carriage trade and Cleveland Police that there has been some improvement in the organisation of the hackney carriage ranks and traffic flow in Wilson Street following the introduction of Taxi Marshals there still remains some concern in relation to issues surrounding traffic obstruction in Wilson Street at peak times.

40. The Middlesbrough Private Hire Association, Boro Cars, their drivers and customers point to inadequate provision in Wilson Street for private hire vehicles to pick up and drop off passengers in Wilson Street and Boro Cars drivers state that this is preventing them from providing a safe, reliable service for their customers.

41. The use of Taxi Marshals alone may not totally resolve all of the issues in Wilson Street and a more permanent solution needs to be found. Extending the use of Taxi Marshals until January 2013, as proposed in Option 2 above, would allow Officers and other stakeholders involved in the QTP, additional time to find a more permanent solution to the issues surrounding Wilson Street, including a thorough examination of the proposals included in the TPI report.

BACKGROUND PAPERS

42. Individual Executive Report and minutes dated 12 April 2011.

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